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No. 84-4

In The
Supreme Court of the United States
October Term, 1984

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**WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION, et al,**

Petitioner,

v.

HAMILTON BANK OF JOHNSON CITY,
Respondent.

—0—
**ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

—0—
JOINT APPENDIX

Volume II, Pages 237 to 421

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**PETITION FOR CERTIORARI FILED JULY 2, 1984
CERTIORARI GRANTED OCTOBER 1, 1984**

COCKLE LAW BRIEF PRINTING CO., (800) 835-7427 E.C. 333

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VOLUME II
PLAINTIFF'S EXHIBIT 1009
MINUTES OF MEETING OF
WILLIAMSON COUNTY PLANNING COMMISSION

February 1, 1973

The regular meeting of the Williamson County Planning Commission was held at the Court House in Franklin, Tennessee, on February 1, 1973, at 7:30 o'clock P.M. Present were: Robert Moran, Chairman, Claude Callicott, Secretary, John Moran, T. Vance Little, Jim Crowell, Robert M. Collier, Harry L. Sanders and Larry L. Westbrook. Absent were: Stirton Oman and John Thomas Helm. Also present were: Mr. Joe Bowman, County Building Commissioner, Mr. Henry Denmark Bell, County Attorney, Mr. Michael J. Cody, representative of the State Planning Commission, and Mr. Robert Martin, also a representative of the State Planning Commission who, the Commission was advised by Mr. Cody, would be the staff representative from the State Planning Commission assigned to work with the Williamson County Planning Commission.

Mr. and Mrs. Frederick Hughes presented their request to have the plat of Grasslands Estates Section 2 voided. These parties asserted that they were the owners of a recorded easement, that the Union Trust Company had platted the area and had the same recorded, that it had constructed roads across the easement, said roads now being public roads, and that this interferred with the use of the Hughes easement. This matter had been

before the Commission on at least one previous occasion for general discussion. It appeared that one or more lawsuits had been filed involving the controversy between the Hughes and Union Trust Company, that the Honorable John Henderson, Chancellor, had already decided one or more of these lawsuits, that an additional lawsuit was pending. The Commissioners were of the unanimous . . .

. . . located just off Highway 96 near its interchange with I-40 so that they could operate a camp ground on same to be known as Safari Camp Ground. It appeared that the Starks property did not actually front on a public road, that they did have an easement approximately 30 feet wide extending from Highway 96 back to the property in question. The Commission was of the unanimous opinion that it should not recommend the change of zoning desired unless the Starks could in some manner arrange for a road at least 50 feet wide, to be dedicated to the public, extending from Highway 96 back to their property. Mr. and Mrs. Starks were so advised of the Commission's opinion.

The owners of a subdivision entitled Sunny Side Estates Section 2 through their engineering firm, James L. Murphy, Jr. & Company, presented for approval a final revised plat of said Section 2. The final plat of Section 2 had been signed by the Secretary on August 29, 1972, and presumably was recorded shortly thereafter. The Engineer stated that it had been determined that a very small number of revisions were necessary and that these revisions could possibly be made by filing a revised plat. He stated further that the revised plat presented had been signed by all property owners involved. Mr. John Moran then moved to approve said revised plat of Sunny Side

Estates, Section 2. This motion was seconded by Mr. Crowell and was passed by unanimous vote.

The Commission next considered an initial sketch of Temple Hills Country Club Estates, the same being designated on the plat submitted as a "preliminary land plan". This was submitted under the recently adopted regulations for Residential Cluster Developments. This initial sketch shows the total number of acres to be 550 and showed 508 living units. It provided that all lots were to be served by sanitary sewers, that all lots would have a minimum frontage of 115 feet on a public road and contain approximately 18000 square feet, that the minimum building setback line would be 100 feet for lots fronting on Temple Road and Union Bridge Road and would be 40 feet on the other streets in said subdivision. Mr. Callicott called attention to the provisions of said regulation respecting density and stated that, while he had not put a scale to the plat, he was of the definite opinion that the plat did not comply with the density provisions of the regulations but in fact authorized the construction of a substantial number of building units more than were permitted under the regulations. A rather heated but amiable controversy then arose between the Chairman of the Commission and the Secretary (this controversy being marked, however by the utmost decorum and a total lack of violence) as to just how many building units could be constructed under the regulation on a given tract of land. The Secretary, Mr. Callicott, stated that to him the regulation was perfectly clear and that, except where a flood plain or a grade in excess of 25% was involved, no more living units could be constructed on a given tract of land under the Cluster

Development than could be constructed on the same tract of land under the regulation providing for conventional subdivisions. He cited for example a tract of land containing 600 acres and zoned so that the minimum lot size would be one acre. He stated that, under the regulation providing for the conventional subdivision, 600 building units could not be lawfully constructed because a subdivision had to have roads and that the number of units on lots on one acre if they should be constructed on a 600 acre tract of land would not be 600 but would be 600 less the number of acres consumed by roads. He stated further that the number of acres consumed by roads in such conventional subdivision under the regulations pertaining to same would be quite substantial and that the number of building units thus permitted would be substantially less than 600. It was his view that it should first be determined how many building units could be lawfully constructed on such 600 acre tract of land under the regulation pertaining to conventional subdivisions and that that number would be the maximum number permitted under the regulation pertaining to Residential Cluster Developments.

However, the Chairman, Mr. Robert Moran, stated that it was just as clear to him that in a Cluster Development a greater number of units could be lawfully constructed on a given tract of land than could be lawfully constructed on the same tract of land if developed under the provision relating to conventional subdivisions and that the maximum number of units that could be constructed in a Cluster Development would be determined by dividing the total area by the minimum required area for each lot in a conventional subdivision, disregarding the

necessity for roads. Under his view, if a given tract of land embraced 1,000 acres and the property was so zoned as to require a minimum of one acre for each lot, 1,000 living units could be constructed on said tract under the Cluster Development zoning regulation notwithstanding the fact that, if developed under regulation pertaining to conventional subdivisions, the number of units would be substantially less than 1,000.

After an extended discussion of said plat, Mr. Westbrook moved that the initial sketch be approved. The motion was seconded by Mr. John Moran and was passed by a majority vote, all members of the Commission voting for the motion except for Mr. Callicott, who voted "no".

The next item of business considered was a plat of a subdivision entitled Mooreland Estates, this being presented by Mr. Tyler Berry, Attorney, and by Mr. Harold Morris, Engineer. Mr. Berry stated that a portion of this proposed subdivision was in the City of Brentwood and that another portion was in the Eighth Civil District of . . .

. . . the building units fronted on open spaces rather extensive in scope and that this initial sketch was in stark contrast to the initial sketch of Temple Hills Country Club Estates in that the Temple Hills Country Club Estates sketch showed several streets with long rows of houses, one after another, with access only to the street on which the houses fronted and not on open spaces at all. After full consideration, Mr. Little moved that the initial sketch of Cottonwood Estates be approved. This motion was seconded by Mr. Collier and was passed by unanimous vote.

There being no further business, the meeting adjourned.

Robert Moran,	Chairman
Claude Callicott,	Secretary

PLAINTIFF'S EXHIBIT 1012

MINUTES OF MEETING OF
WILLIAMSON COUNTY PLANNING COMMISSION
May 3, 1973

The regular semi-monthly meeting of the Williamson County Planning Commission was held at the Court House in Franklin, Tennessee, on May 3, 1973, at 7:30 o'clock P.M. Present were: Robert Moran, Chairman, Claude Callicott, Secretary, Robert M. Collier, John Moran, Harry L. Sanders, Larry L. Westbrook, John Thomas Helm, T. Vance Little and Stirton Oman. Absent was Jim Crowell. Also present were Staff Representative Robert Martin and his associate, David Holderfield. Also in attendance were the County Attorney, Henry Denmark Bell, and the County Building Commissioner, Joe Bowman.

The first item of business was the election of officers. The Chairman, Robert Moran, asked Harry Sanders to preside during the election of officers and by unanimous consent Mr. Sanders did so.

Mr. John Moran placed in nomination for the office of Chairman T. Vance Little. There were no other nomi-

nations and John Moran then moved the election of T. Vance Little as Chairman. This motion was seconded by Mr. Helm and several others and was carried by unanimous vote.

Thereupon Mr. Little assumed his duties as Chairman of the Commission.

Mr. Collier then nominated for the position of Vice-Chairman Harry L. Sanders and moved the election of Mr. Sanders as Vice-Chairman. There were no other nominations. The motion was seconded by Mr. Robert Moran and also by Mr. Westbrook and was passed by unanimous vote.

Mr. Robert Moran then nominated for re-election to the position of Secretary Claude Callicott and moved his election as Secretary. This motion was seconded by Mr. Sanders and was passed by unanimous vote.

The next item of business was consideration of the request of the developers of Sunny Side Estates, Section 2, for partial release of the funds in their savings account in Home Federal Savings & Loan Association which secure their completion bond. This completion bond in the amount of \$70,000.00 was executed by Edward J. Morgan, Robert E. Young and Richard D. Tayler and was secured by savings account in Home Federal Savings & Loan Association in the amount of \$70,000.00. The Secretary stated that he had received from Barge, Waggoner, Sumner & Cannon, Engineers, letter stating in substance that the construction work for the installation of water mains and facilities was approximately two-thirds (2/3) completed and the Secretary further stated that a substantial amount

of the construction work on the roads in the subdivision had also been performed. The request of the developers was that the bond be partially reduced and in such manner that payment would be made directly from said savings account to Chrisman Excavating & Grading (Luther A. Chrisman). Mr. John Moran then moved that the request of the developers (principals on said bond) for a partial release of the funds in said bank account for payment directly to the contractor, Chrisman Excavating & Grading (Luther A. Chrisman), the amount of the funds to be released to be determined by the Secretary and to be based upon information in his possession and to be substantially in proportion to the amount of the construction work already performed on the construction of the roads and the installation of the water mains and facilities. This motion was seconded by Mr. Collier and passed by unanimous vote.

The Commission next considered the request of Mr. Martin Zeitlin, Jr., presented personally by him and by his engineer, Mr. Michael Anderson, affiliated with James L. Murphy, Jr., & Co., to approve a revised initial sketch of proposed Cluster Development known as Cottonwood Estates. Mr. Robert Martin stated that he had examined this revised initial sketch and found it satisfactory. Accordingly Mr. Sanders moved to approve same. The motion was seconded by Mr. Robert Moran and passed by unanimous vote.

Mr. Zeitlin and his Engineer then presented for approval final plat of said Cluster Development known as Cottonwood Estates. They asked for such approval but conceded that several details would have to be worked out

and they were hoping that the Commission would give final approval subject to any reasonable conditions that the Commission might impose. The Secretary stated that he had been furnished a copy of the legal instruments proposed to be used by the developers including Declaration of Covenants and Restrictions and that, while they were splendidly drawn instruments, he did feel that they should be strengthened by adding to same such provisions as would beyond question preserve all open spaces permanently. He stated that he felt he could write such additional paragraphs as would be satisfactory to the Commission and to the County Attorney and also to the developers. Mr. Robert Moran then moved that the final plat be approved subject to all certificates being signed, proper bond being executed and subject to the addition to said legal documents of such provisions as would protect the rights of the county and preserve open spaces permanently as suggested by the Secretary. After considerable discussion the consensus of opinion was that, in view of the several conditions that would have to be complied with, the matter should be postponed. Accordingly, Mr. Robert Moran then withdrew his motion. Mr. Helm moved that the plat not be approved until it was in all respects complete. This motion was seconded by Mr. Westbrook and passed by unanimous vote.

Chairman seemed to be of the view that there was a need for some commercial development in the area in question. Mr. Helm expressed opposition, some of the other members appeared to be for the rezoning. The Secretary noted that he was still opposed to the request, stating that the Commission had on several occasions in recent years for the most part consistently rejected individual applications for spot zoning. Mr.

John Moran expressed the opinion that a 6 acre tract did not constitute spot zoning. It appeared that there were substantially as many opinions as there were members of the Commission, a reflection of the independence of each and every member of the Commission. Mr. Helm then moved to reject the request for rezoning. The motion was seconded by Mr. Westbook. Said motion failed, receiving three affirmative votes and four negative votes. Mr. Collier then moved to approve the request but after further discussion Mr. Robert Moran moved to postpone any action until the June meeting so that in the meantime sufficient investigation can be made as to all the facts, particularly for determination as to whether additional property in the area should be rezoned if the Commission should decide to grant the request of Mr. Bowers in whole or in part. This motion was seconded by Mr. Oman and was passed by unanimous vote.

There was next presented to the Commission final plat of Harpeth River Estates, Section 2. This plat had been examined by Mr. Martin who recommended approval and said final plat was approved subject to bond, on motion of Mr. Collier seconded by Mr. John Moran and unanimously passed.

Mr. Lytle Brown, Engineer for the owners and developers of Temple Hills County Club Estates, a Cluster Development, presented for approval of the Commission a revised initial sketch of said development. Mr. Brown stated that he had met on several occasions with representatives of objecting residents of the area and several significant changes had been made in the plat as originally presented. These changes were explained by him and by Mr. Robert Martin and Mr. Martin expressed approval

of the sketch. Mr. Brown stated that some reduction in the number of lots had been made but conceded that there was still a violation of the density provisions of the regulations as construed by the Secretary but no violation as said regulations had been construed by Mr. Robert Moran, and no violation as construed by a formula which had been submitted by Mr. Vance Little.

Mr. Callicott commended Mr. Lytle Brown for the significant improvement in the plat. Mr. Robert Moran also expressed pleasure that the plat had been vastly improved and noted that the people in the immediate vicinity of the development were apparently reasonably well satisfied with what had been worked out. Mr. Robert Moran then moved to approve said revised initial sketch. The motion was seconded by Mr. John Moran and was passed by unanimous vote except for two abstentions, those abstainers being Mr. Westbrook and Mr. Callicott.

There was next presented for approval revised preliminary plat of Royal Oaks, Section 4. Mr. Callicott objected to this plat on the ground that the homes along Liberty Pike did not front on the pike but on the contrary the rear ends or back yards of said lots fronted on the pike. Mr. Martin stated that this situation did present a question and he suggested that this particular problem might be alleviated by a requirement for landscaping on the lots along the pike. The developers were present, Mr. J. B. Downey, Mr. R. C. Adams and Mr. Wilson Herbert, and they stated that they felt the objection was not serious because the lots lying along Liberty Pike were several feet lower than the level of the pike and any houses that might later be constructed on the opposite side of the pike.

These developers stated that they were willing to insert in their restrictions to be recorded covenants that there would be no ingress and egress to and from said lots from the Commission was holding three bonds on three different sections of his subdivision, the amount of one bond being \$45,000.00, and that he wished to have all three sections placed under one bond in the amount of \$45,000.00. The Secretary stated that he was holding as security on the bonds in question a \$2,500.00 certificate of deposit on section 1, a certificate of deposit for \$7,500.00 on section 3, and a letter of credit in the amount of \$45,000.00 on section 4. He stated that, if the Commission so authorized, a new completion bond could be executed in the amount of \$45,000.00 in such manner as to insure the completion of the roads, water mains, etc., in all three sections of said subdivision so as to release the \$7,500.00 certificate of deposit and the \$2,500.00 certificate of deposit. It appeared to the Commission that the work had progressed to such extent that the request of Mr. Maddox should be granted. Mr. Sanders then moved that the total amount of the bonds for said three sections be reduced from \$55,000.00 to \$45,000.00, that a new bond be executed in the amount of \$45,000.00 to cover the three sections, secured by the \$45,000.00 letter of credit and that the two certificates of deposit, \$7,500.00 and \$2,500.00, be released and surrendered to Mr. Maddox. The motion was seconded by Mr. John Moran and passed by unanimous vote.

Mr. Hal Herd appeared in person before the Commission and stated that he desired to cure hams on his farm, and that he would cure only those hams which were produced from hogs grown on his farm, and he wanted such action taken by the Commission as would assure him

that he could lawfully conduct said operation under existing regulations or would result in such rezoning as might be necessary so as to permit such operation. The Secretary stated that in his opinion it was not the duty or province of the Commission to give an advisory opinion as to whether the desired operation could be lawfully carried on under existing zoning regulations since the Commission was not an enforcing agency; that the County Building Commissioner was the enforcing agency and that if Mr. Herd desired a building permit he should make application to Mr. Bowman and it would be Mr. Bowman who would have to make the initial decision as to the lawfulness of the proposed use or operation, that Mr. Bowman could call upon the County Attorney for advice, and that any decision of Mr. Bowman adverse to Mr. Herd could be appealed to the Board of Zoning Appeals. The matter was discussed informally and it appeared to be the consensus of the thinking of those present that the operation as described by Mr. Herd, that is, the curing and selling of hams from hogs grown on his own farm by him, would be permissible in an Agricultural Zone; however no action was taken of any kind or character whatsoever by the Commission.

Mr. Kelly Sowers again appeared before the Commission and asked for re-zoning of what is known as the Young property on Nolensville Pike. He asked that this property be zoned Commercial. A similar request was rejected by the Commission only a few weeks ago. Mr. Robert Martin stated he had made a thorough investigation of this matter, that the number of residences in the immediate vicinity was small, that to grant this request would not only constitute spot zoning but would perhaps be the beginning of a commercial strip along the Nolens-

ville Pike in that area and for these reasons he strongly opposed granting the request. In discussing this item several questions arose, they being whether any of the property should be rezoned and if so whether the entire 6 acres or only a portion of same, and if any of that property should be rezoned whether additional property in the same immediate area and especially directly across the Nolensville Road should be rezoned. It appeared that Mr. Sowers proposed to operate a single business establishment, the same being a store, on the premises. . . .

PLAINTIFF'S EXHIBIT 1013

MINUTES OF MEETING OF WILLIAMSON COUNTY PLANNING COMMISSION June 7, 1973

The regular semi-monthly meeting of the Williamson County Planning Commission was held on the second floor of the Court House in Franklin, Tennessee, on June 7, 1973, at 7:30 o'clock P.M. Present were: T. Vance Little, Chairman, Claude Callicott, Secretary, Robert Moran, John Moran, Robert M. Collier, Larry L. Westbrook, Harry L. Sanders and Jim Crowell. Absent were Stirton Oman and John Thomas Helm. Also present were Robert Martin and David Holderfield, representatives of State Planning Commission, Mr. Joe Bowman, County Building Commissioner and Henry Denmark Bell, County Attorney. Mr. Hubert Hill, Chairman of the Budget Committee of the Quarterly County Court, was also present for a portion of the meeting.

A motion to approve the minutes of the last meeting was made by Mr. Robert Moran. This motion was seconded by Mr. Collier and was passed by unanimous vote.

The Commissioners discussed the need for a full time office in Franklin with a full time Planning Engineer and considered the amount of money that would be required for such program.

The Commission had previously on one or more occasions discussed the possibility of the Quarterly County Court providing a schedule of fees to be paid by developers of subdivisions and Mr. Robert Martin, staff representative, discussed possible schedules of such charges. It appeared that fees could be charged based upon the number of lots in a subdivision or the number of acres, and possibly other factors could be considered. It appeared that, if the Quarterly County Court should accept the recommendations of the Commission for a full . . .

. . . of Mr. Sowers be granted and accordingly that the Commission recommend what the Quarterly County Court adopt a resolution rezoning said portion of the James D. Young, Jr., property from Agricultural to Commercial A. This motion was seconded by Mr. Collier and was passed by majority vote, Mr. Westbrook and Mr. Callicott voting "no" and all other members voting "aye".

The Commission next considered an initial sketch of a proposed Cluster Development to be known as Countrywood Estates located in the Ninth Civil District. This property is known as the Brad Cook and Thomas Robertson farms, presently zoned Agricultural. It is proposed that the property be sewered by arrangements between the subdividers and the City of Franklin. Staff Repre-

sentative Robert Martin stated that he considered this sketch the best designed Cluster concept that had come before the Commission. Mr. Martin further stated that the sketch complied with the zoning and subdivision regulations. Mr. Callicott raised the question as to whether it complied with the density provisions for Cluster Zoning regulations and, while it was Mr. Martin's opinion that it did comply, Mr. Callicott was not fully satisfied and desired to look into the matter further. Mr. Westbrook moved to approve said initial sketch of Countrywood Estates as a Cluster Development. The motion was seconded by Mr. Crowell and was passed by majority vote. Mr. Collier voted "no" and Mr. Callicott abstained, he to make an examination into whether the sketch complied fully with the density provisions of Cluster Zoning regulations.

The next item on the agenda was consideration of final plat of Poplar Hills Subdivision, however Mr. Keith Broyle did not appear and the matter was not considered.

Next appearing on the agenda was final plat of Oakwood Estates Subdivision, Sections 2 and 3, located in the Tenth Civil District. However Mr. Harold Morris, who was to present these plans, asked that action be deferred and by unanimous consent this request was granted.

The Commission next considered final plat of Temple Hills Country Club Estates, Section I, a Cluster Development in the Sixth Civil District. A revised initial sketch had been approved on May 3, 1973. Staff Representative Martin stated that there were some deficiencies in the plat and it was his understanding that the Engineer, Mr. Lytle Brown, was not to present the plat for action at this

meeting. However Mr. Brown was present and asked for approval of the plat subject to obtaining signature of the County Health Department on same and subject to giving proper bond. Mr. Brown was of the opinion that the signature of the County Health Department could be obtained on the plat by the time the Commission met again and the majority of the Commissioners were of the opinion that approval should be deferred under these circumstances. Mr. John Moran moved that the plat be approved subject to proper bond being executed in the amount of \$1,255,500.00, the Secretary to prepare the bond for execution. This motion was seconded by Mr. Collier. The motion was defeated, those voting for the motion being John Moran, Robert Moran and Robert Collier; and those voting against being Mr. Crowell, Mr. Sanders, Mr. Callicott and Mr. Little. Mr. Westbrook abstained from voting on this motion. The Secretary stated that he had been assured by Mr. Vance Berry, Attorney representing the owners of the Temple Hills development, that they would be glad to execute an open space easement and insert in their covenants that the lot owners should have a preferential right to become members of the golf club.

The next item on the agenda was consideration of the final plat of Cottonwood Estates, another Cluster Development. This plat was presented by Mr. Mike Anderson, Engineer affiliated with James L. Murphy, Jr. & Co. It appeared that the plat had been signed by the County Health Department as well as by the other required parties. After consideration Mr. Collier moved to approve said final plat of Cottonwood Estates subject to proper bond being executed in the amount of \$916,150.00. This motion was seconded by Mr. John Moran and was passed by unanimous vote.

Mr. and Mrs. J. N. Franks were present and discussed Section 3 of their Redwing Subdivision but it appeared that the plat was not really ready for final consideration and accordingly they withdrew their application for approval of same.

The next item considered was final plat of Mooreland Estates presented by Mr. Harold Morris. This plat had not been signed by the County Health Department. Mr. Morris stated he thought he could obtain signature of the Health Department by the time the Commission met again and he advised that under these circumstances the plat could not be approved. He accordingly withdrew his request for approval of said plat. In the discussion of this matter it appeared that the subdividers had been required by Mallory Utility District to furnish that District with a bond guaranteeing to construct the necessary water mains, that it had also been required to furnish the City of Brentwood with a bond guaranteeing construction of all necessary sewer lines and Mr. Jack Corn, speaking for the subdividers asked that the Commission excuse the giving of bonds for water and sewer and approve the plat only upon the subdividers giving bond for the roads. Mr. Callicott pointed out that he was appreciative of the burden placed upon the subdividers in situations of this kind where bonds were apparently required to be given to more than one agency, that the statute did give the Commission considerable authority in fixing the amount of bond for roads, water, sewers and other facilities but there was grave doubt in his mind as to whether the Commission could under these circumstances excuse the giving of a bond for the water and sewer lines. He further stated that the Commission would have no remedy on a bond

given by the subdividers to Mallory Utility District or on a bond given to the City of Brentwood unless the Planning Commission should be made the . . .

. . . and unanimously passed, preliminary sketch plat of Sun Valley Estates Subdivision, Sections 2 and 3, in the Sixth Civil District, owned by Mr. Ray Garrett, was renewed subject to the condition that final plat must comply with any new regulations of the Planning Commission as to minimum lot size in unsewered areas.

Mr. Cletus McWilliams appeared on behalf of his clients, James H. Mangrum and Paul Byrd, Jr., in connection with request for rezoning of certain property on U. S. Highway 31 A-41 A. He stated that the owners wished to rebuild Todd Inn which had burned quite a while ago. It appeared that Mr. Martin, staff representative, had not received adequate information which should have been given him and that he had not had sufficient time to make complete study of same, and Mr. McWilliams withdrew his application.

The next item was consideration of Mr. Robert Patterson's request for the addition of a barbecue pit and rest room facilities to the Little Circle Cafe on Sunset Road in the Seventeenth Civil District. This business is being operated as a nonconforming use. While Mr. Patterson had not complied with the technical requirement of furnishing the Commission with a plat showing the exact location and showing the exact proposed extension of said nonconforming use, it appeared that the Commission did thoroughly understand the matter. Mr. Patterson agreed that he would immediately furnish Mr. Joe Bowman, County Building Commissioner, with such plat. Mr. Collier then moved to approve said request upon diagram or plat

being furnished Mr. Joe Bowman. This motion was seconded by Robert Moran and passed by unanimous vote.

The Commission next considered request of Mr. Billy Reynolds for permission to build a ham curing place on Old Highway 96 in the Fifth Civil District. It appeared that he had consulted with Mr. Joe Bowman, County Building Commissioner, and that Mr. Bowman had refused to grant him a building permit. By unanimous consent Mr. Reynolds was advised by the Chairman of the Commission that the Planning Commission had no jurisdiction to grant such permission, that he had a right to appeal from Mr. Bowman's decision but that the appeal would go to the Board of Zoning Appeals and not to the Planning Commission.

Mr. Robert Moran moved that the Commission recommend to the Quarterly County Court that it elect Mr. Harry L. Sanders as the Planning Commission representative member on the Board of Zoning Appeals. This motion was seconded by Mr. John Moran and was passed by unanimous vote.

Mr. Howard Hood, Jr., a road building contractor, explained to the Commission the fact that, where monuments and iron pins were installed in new subdivisions prior to the time of completion of the roads, they were in the way of road builders, handicapped the road builder in performing his job, and furthermore that the road builders inevitably would destroy many of the monuments and iron pins. It was his recommendation that some definite policy be established by which these monuments and iron pins would be installed subsequent to the building of the roads. The said monuments referred to really constitute markers

of the road boundary lines. The Commission seemed to be of the opinion that insofar as the concrete monuments (street markers) were concerned there was some merit in Mr. Hood's position.

There being no further business the meeting was adjourned.

T. Vane Little, Chairman
Claude Callicott, Secretary

PLAINTIFF'S EXHIBIT 1014

MINUTES OF MEETING OF WILLIAMSON COUNTY PLANNING COMMISSION June 21, 1973

The regular semi-monthly meeting of the Williamson County Planning Commission was held on the second floor of the Court House in Franklin, Tennessee, on June 21, 1973, at 7:30 o'clock P.M. The following members were present: T. Vance Little, Chairman, Claude Callicott, Secretary, Robert Moran, John D. Moran, Larry Westbrook, Stirton Oman, John Thomas Helm, Robert M. Collier, Harry L. Sanders and Mr. Jim Crowell. (Mr. Crowell was late and some items on the agenda had been disposed of before he arrived.) Also present were Mr. Mike Cody, representative of the State Planning Commission who appeared in the place of Mr. Robert Martin who was unavoidably absent, and Mr. Joe Bowman, County Building Commissioner.

The first item considered was a proposed amendment to the subdivision regulations with reference to minimum lot size and percolation tests in unsewered subdivisions. A public hearing had been had on this question on June 12, 1973. The concensus of opinion was that a two acre lot was larger than was necessary. Mr. Robert Moran moved that the Commission not adopt the proposed amendment as it had been advertised for public hearing. This motion was seconded by Mr. John Moran and was passed by a majority vote, Mr. Helm voting "no".

Mr. Callicott then moved that the Commission adopt as an amendment to the subdivision regulations an amendment which had been proposed by the County Health Department at a previous meeting. At one or more previous meetings Dr. R. H. Hutcheson, Director of the County Health Department, had recommended that in substance there be no new subdivisions where sanitary sewers were unavailable. Recognizing, as he said, that the adoption of such proposed amendment would probably be impossible at the present time, he then recommended an alternate amendment and this alternate amendment is the one, the adoption of which was moved by Mr. Callicott. It reads as follows:

"Where there is no feasible means to install sanitary sewers or the Water Quality Control Act requirements cannot be met, percolation test can be run under the supervision of the Health Department, and where soils percolate a given number of minutes the following requirements be required:

"Percolation absorption time in minutes is 15 minutes or less that the minimum lot size be 1 acre. Where percolation absorption time in minutes is greater than 15 minutes, but less than 45 minutes, the

minimum lot size be 2.0 acres. Where percolation absorption time in minutes is greater than 45 minutes up to 60 minutes, that lots be a minimum of 3.0 acres, and at any time the percolation absorption time is greater than 60 minutes that this tract or plot of ground will not be considered for installation of septic tank and sub-soil absorption fields but sanitary sewers will be required before construction can be permitted."

This motion was seconded by Mr. Westbrook. Four members voted for the motion, they being Claude Callicott, Stirton Oman, Larry Westbrook and John Thomas Helms; five members voted against the motion, they being Robert Moran, John D. Moran, Harry L. Sanders, Robert M. Collier and T. Vance Little.

Mr. Callicott then moved that the Commission adopt a new subdivision regulation reading as follows: "In unsewered subdivisions the minimum lot sizes shall be one acre". This motion was second by Mr. Collier and was passed by unanimous vote.

The next item considered was the final plat of Temple Hills Country Club Estates which was presented by Mr. James I. Vance Berry, Attorney. In the discussion of this plat Mr. Berry stated that he was Trustee for the developers, held legal title to the land, that he had executed and recorded an Open Space Easement which had been prepared by the Secretary of the Planning Commission conveying a permanent Open Space Easement to Williamson County, Tennessee, which covered substantially all property in the subdivision except the lots which were to be sold to individuals. Mr. Callicott stated that this easement did not grant to the public any use of the property in question but would simply preserve the areas in question as open space, that no buildings could be erected except such as

were purely incidental to the permissible open space uses as specified in the Cluster Zoning regulations and that the easement could be modified, amended or abandoned or released only by resolution of the Quarterly County Court and with the consent and approval of the Planning Commission. The easement further prevents the future subdivision of said areas. After discussion Mr. Robert Moran moved that said final plat be approved subject to the giving of proper bond. This motion was seconded by Mr. Sanders and was passed by unanimous vote of all who participated in the vote, there being two abstentions, namely, Mr. Westbrook and Mr. Callicott.

The next matter discussed was bonds to be executed in connection with Temple Hills Country Club Estates and with Cottonwood Estates. The Secretary stated that he had discussed this matter with the parties in interest, including officers of John W. Murphree Company, with Mr. James I. Vance Berry, director and also attorney for John W. Murphree Company, and as above noted attorney representing the developers of Temple Hills Country Club Estates. It appeared that John W. Murphree Company mortgage bankers now owned by Third National Corporation, a holding company, is to finance the Cottonwood Estates by loans to John D. Whaley and Martin Zeitlin, the developers, and that Hamilton Company, an affiliate of Hamilton Bank, is to finance Temple Hills Country Club Estates. It appeared further that these two lending agencies were willing and desired to execute the respective completion bonds as surety. Mr. Berry agreed to furnish the Secretary with an opinion that John W. Murphree Company could lawfully execute the bond in question as surety. After full discussion, Mr. Col-

lier moved that the completion bond as to Cottonwood Estates be executed by the developers, John D. Whaley and Martin Zeitlin, as principal, by John W. Murphree Company as surety and that as additional security the developers pledge a Letter of Credit or Certificate of Deposit issued by an acceptable bank in the amount of one-fourth ($\frac{1}{4}$) of the amount of the bond; that the bond as to Temple Hills Country Club Estates be executed by the developers, by the Hamilton Company as surety, and that the developers also pledge as additional security a Letter of Credit or Certificate of Deposit issued by an acceptable bank in the amount of one-fourth ($\frac{1}{4}$) of the amount of the bond. This motion was seconded by Mr. Robert Moran and was passed by unanimous vote. The amount of the bond as to Cottonwood Estates had previously been set at \$916,150.00 and it appeared that the estimated cost of Temple Hills Country Club Estates would be \$1,255,500.00. It was further agreed that the amounts of the bonds be in these respective amounts.

Mr. and Mrs. J. N. Franks presented for approval final plat of Redwing Farms, Section 3. Mr. Westbrook called to the attention of the Commissioners the fact that there was a very serious drainage problem in connection with the various and sundry sections of Redwing Farms, that there was an open ditch which was holding water. Mr. and Mrs. Franks and their engineer were of the opinion that the amount of additional work to cure this problem would not be extensive. Mr. Callicott called to the attention of the Commission the fact that bond for Section 2 had never been posted. Mr. and Mrs. Franks replied that they had been trying to . . .

PLAINTIFF'S EXHIBIT 1016

MINUTES OF MEETING OF
WILLIAMSON COUNTY PLANNING COMMISSION
OCTOBER 4, 1973

The regular semi-monthly meeting of the Williamson County Planning Commission was held at the Court House in Franklin, Tennessee, on October 4, 1973, at 7:30 o'clock P. M. Present were: T. Vance Little, Chairman, Claude Callicott, Secretary, Larry L. Westbrook, John Moran, Harry L. Sanders, Clyde S. Gay, Jr., and Robert Moran. Absent: Stirton Oman, Robert M. Collier and Jim Crowell. The County Building Commissioner, Mr. Joe Bowman, and the Staff Representative, Mr. Robert Martin, were also present.

The Chairman, Mr. Little, presented to the Commission for its consideration a document entitled "The General Plan for the Development of Williamson County". Mr. Little stated that a Citizens Advisory Committee appointed by County Judge Fulton Greer had been meeting with the Williamson County Regional Planning Commission on Monday nights and that the plan which had been prepared and was being submitted represented a consensus of the thinking and opinions of the entire group. The Secretary stated that those members of the Commission who had been able to do so had been faithful in their attendance, that the members of the Citizens Advisory Committee had been working very faithfully and exhibited a true and deep interest in the welfare of the county and that Mr. T. Vance Little, Chairman of the Commission, had spent much time and effort in working on the plan

and preparing same and presiding at the meetings that had been held and had demonstrated capable and effective leadership in all matters pertaining to the plan. By unanimous agreement and consent the Commission agreed on certain amendments, most if not all of which consist of changes in phraseology, said amendments being as follows:

- Under "Economic Development" on pages 8 and 9 the paragraph on "Industrial Zoning", as presented, reads as follows:

"Industrial Zoning. Generally, the concept of decentralization of industry should be promoted. Industry should be encouraged to locate near population concentrations in the County, thus discouraging inter-county commuting of workers. Various methods of attracting industry should be used, including private enterprise, acquisition and sale of land by the county, and industrial revenue bond issues. No effort should be made to attract major industrial plants to the County. It is recommended that no more than 1,000 workers be employed at any plant site. Land in various parts of the county should be zoned for industrial uses, taking into consideration transportation facilities. Much of this industrial land should be located in the Highland Rim section of the County. Other industrial areas should be located near Nolensville, Hillsboro, Triune, College Grove, Thompson Station and the Harpeth Community."

This paragraph was amended so as to read as follows:

"Industrial Zoning. Generally, the concept of decentralization of industry should be promoted. Industry should be encouraged to locate near population concentrations in the County, thus discouraging inter-county commuting of workers. Various methods of attracting industry may be used, including private en-

terprise, acquisition and sale of land by the County, and industrial revenue bond issues. No effort should be made to attract major industrial plants to the County. It is recommended that no more than 1,000 workers be initially employed at any plant site. Land in various parts of the County should be zoned for industrial uses, taking into consideration transportation facilities. Much of this industrial land should be located in the Highland Rim section of the County. Other industrial areas may be located near Nolensville, Hillsboro, Triune, College Grove, Thompson Station and the Harpeth Community."

2. The last sentence of that paragraph entitled "Agriculture", commencing on page 9 and ending on page 10, as presented, reads as follows:

"In order to promote the continuation of agricultural activities in an area zoned for residential uses, the County Court should consider a system of retroactive taxes whereby land used for agricultural purposes in a residential zone would be taxed as agricultural land until it is sold for development, at which time the tax differential for a specified number of years would be paid."

This sentence was amended so as to read as follows:

"In order to promote the continuation of agricultural activities in an area zoned for residential uses, the County Court may consider a system of retroactive taxes whereby land used for agricultural purposes in a residential zone would be taxed as agricultural land until it is sold for development, at which time the tax differential for a specified number of years would be paid."

3. The second sentence in that paragraph entitled "The Harpeth River", on page 16 as presented, reads as follows:

"The streams should be left in their natural states insofar as possible."

This sentence was amended so as to read as follows:

"The streams should be left in their natural states insofar as practical."

4. The last sentence in that paragraph entitled "Mobile Homes" on page 17 as presented read as follows:

"However, mobile homes should be closely regulated and prohibited in all areas other than agricultural zones and specially zoned mobile home parks."

This sentence was amended so as to read as follows:

"However, mobile homes should be closely regulated and prohibited in all areas other than in the agricultural zone and specially zoned mobile home parks."

In voicing their approval of the overall plan, some members of the Commission observed that the plan possibly contained some specific statements and recommendations with which they did not concur and that they recognized said plan as being a statement or declaration of policy but not necessarily binding in any legal sense insofar as determining how the members of the Commission should vote in the future on any specific issue.

Mr. Robert Moran then moved to approve said plan as amended in the particulars hereinabove set out and to recommend that it be adopted by the Quarterly County Court of Williamson County, Tennessee. This motion was seconded by Mr. Larry Westbrook and was passed by unanimous vote.

The Secretary stated that he had received a letter from Mr. J. W. Cross III, President of Tower Real Estate Development Corporation, stating that his firm had com-

pleted all improvements in Section I of Oakwood Estates Subdivision, that the Commission was holding as security on the completion bond Certificate of Deposit in the amount of \$38,000.00 and that he would like to have said Certificate of Deposit released and was willing to give the maintenance bond as required. Mr. Joe Bowman, County Building Comissioner, stated that the improvements had been completed as reported by Mr. Cross. Upon motion made by Mr. John Moran, seconded by Mr. Sanders and passed by unanimous vote, the Secretary was authorized to release said completion bond and to deliver to Mr. J. W. Cross III or to his corporation, Tower Real Estate Corporation, said Certificate of Deposit upon the Secretary receiving a letter from the County Attorney informing him that proper maintenance bond had been executed and filed.

The Commission next considered the application of Mr. William Richardson for approval of preliminary sketch plat of subdivision entitled Spencer Creek Place located in the Eighth Civil District. The Staff Representative, Mr. Robert Martin, discussed the plat, stated that it conformed to the regulations and recommended approval, stating that the applicant's request that the final plat be on the scale of 1" to 200 ft. was reasonable and proper. Mr. Robert Moran moved that said preliminary sketch plat be approved with authority granted to draw the final plat on the scale of 1" to 200 ft. This motion was seconded by Mr. John Moran and passed by unanimous vote.

Mr. Reece L. Smith and his Engineer, Mr. George Daniels, presented for approval initial sketch of the proposed Cluster Development to be known as Stonehaven, located in the Seventh Civil District. Mr. Martin explained that as was indicated on the plat a portion of this area was

zoned as Office Building Zone and authorized any use permitted in a Residential Zone and contained other requirements or regulations far less restrictive than those applicable to Agricultural B Zone and certain other zones. This proposal called for condominiums in the area zoned Office Building Zone and for residences in the other areas. Attention was called to the fact that the plans called for a private road and Mr. Smith stated that this road was to be maintained by the Home Owners Association to be established. The Staff Representative, Mr. Robert Martin, recommended approval of the initial sketch. Upon motion of Mr. John Moran, seconded by Mr. Robert Moran and passed by unanimous vote, said initial sketch plat of Stonehaven was approved.

The Commission was next asked to renew its approval of preliminary sketch plat of subdivision entitled Hooker Hills located in the Fourteenth Civil District. The Staff Representative stated that this preliminary plat had been approved on February 8, 1972, subject to installation of 6" water lines and subject to water for said lines being available, that the water lines had now been installed that water service was available and that he recommended a renewal of the approval of preliminary sketch plat of Hooker Hills and also recommended approval of the final plat which was also on the agenda for consideration.

The final plat of Hooker Hills was then submitted for approval by Mr. Mike Anderson, Engineer associated with James L. Murphy, Jr., & Company. Mr. Westbrook moved that said final plat be approved subject to proper completion bond in the amount of \$18,000.00 (?) being filed. This motion was seconded by Mr. Sanders and was passed by unanimous vote.

Mr. James L. Murphy, Jr., Engineer, presented for approval final plat of Deerfield Planning, Section 2, located in the Eighth Civil District. Approval was recommended by the Staff Representative, Mr. Martin. Mr. Robert Moran moved that said final plat of Section 2, Deerfield Planning, be approved subject to completion bond in the amount of \$22,500.00 being filed. This motion was seconded by Mr. Sanders and was passed by unanimous vote.

The Commission next considered the request for approval of final plat of Lake Colonial Estates, Section I, located in the Twenty-Third Civil District, this request being also submitted by Mr. James L. Murphy, Jr. It appeared that no roads were to be constructed and no water mains to be installed in the Section I. Mr. Robert Moran moved to approve said final plat of Section I of Lake Colonial Estates and that no completion bond be required. This motion was seconded by Mr. Westbrook and was passed by unanimous vote.

The next item considered was the request of Mr. Don Hall that the Commission recommend that the Quarterly County Court change the zoning of a tract of land owned by him located at or near the intersection of Interstate Highway 40 and State Highway 96 from Agricultural to Commercial A. It appeared that this property adjoins certain property owned by Dickson Motel Corporation which the Commission had heretofore recommended for such change of zoning. Mr. Martin voiced no objection to this proposed rezoning. Mr. Westbrook moved that the request be granted and that the Commission recommend that the Quarterly County Court rezone the said Don Hall property from Agricultural to Commercial A. This motion was seconded by Mr. Gay and was passed by unanimous vote.

Forest Home, Inc., then submitted its request that the completion bond on Forest Home Farms, Section 3, be released upon proper maintenance bond being furnished. Mr. Bowman stated that all improvements called for had been completed and that it was proper for . . .

PLAINTIFF'S EXHIBIT 1022

MINUTES OF MEETING OF WILLIAMSON COUNTY PLANNING COMMISSION

June 6, 1974

The regular meeting of the Williamson County Planning Commission was held at the Court House in Franklin, Tennessee, on June 6, 1974, at 7:30 o'clock P. M. Present were: T. Vance Little, Chairman, Claude Callicott, Secretary, Harry L. Sanders, Clyde S. Gay, Jr., Jim Crowell; also Mr. Joe Bowman, County Building Commissioner, and Mr. Robert Martin, Staff Representative. Absent were Stirton Oman, Larry L. Westbrook and Robert N. Collier.

The first item presented to the Commission for consideration was the request of Mr. and Mrs. John Stark, through their attorney, Mr. Tom Beasley, for a rezoning of a tract of land owned by them in the First Civil District, the present zoning being Agricultural and the desired zoning being Commercial. A similar request had previously been disapproved because the Stark property did not front on a public road. Mr. Beasley stated that the Starks had purchased an additional strip of land 50 feet wide and fronting on the public highway and it was the opinion of the Commissioners that the request should be granted.

Accordingly, Mr. Sanders moved that the Commission recommended to the Quarterly County Court that it change the zoning of said Stark property from Agricultural to Commercial. This motion was seconded by Mr. John Moran and passed by unanimous vote.

The Chairman, Mr. Little, presented to the Commission a copy of a letter which he had received, the letter being from Marshall S. Stuart, Executive Director, Mid Cumberland Counsel of Governments, addressed to the County Judge, Fulton Greer. This letter requested would not exist as forcefully as they once had and that there were some situations where it was not practical or feasible to insist on said 1,200 feet block limits. After further discussion, Mr. Robert Moran moved that this revised plat and the subject matter be referred back to Mr. Martin for further study and for consultation with Mr. Peery in the hope that a satisfactory plat might be worked out. This motion was seconded by Mr. Gay and was passed by unanimous vote.

Mr. Lyte Brown, Engineer, presented for approval changes in the preliminary plat and changes in the final plat of Section I of Temple Hills Country Club Estates. The requested changes were changes in the names of the roads except Temple Road and relocation of the swimming pool and tennis courts. This request of Mr. Brown was recommended by Mr. Martin. Mr. Sanders moved that the suggested changes in the preliminary plat be approved. The motion was seconded by Mr. John Moran and passed by unanimous vote. Mr. Robert Moran moved that the final plat of Temple Hills Country Club Estates Section I Revised, containing changes in the final plat of Section I be approved. This motion was seconded by Mr. John Moran and passed by unanimous vote.

Mr. Leroy Holland, Engineer, presented for approval preliminary plat of Forrest Home Farms, Section 7, located in the Sixth Civil District. The Staff Representative, Mr. Martin, stated that High Point Road contained one or more sections more than 1,200 feet in length without a stub-out street and noted further that the plat did contain some road grades which would call for variances. The Engineer stated that there were three of these variances requested, namely, one 600 ft. grade of 15%, one 250 ft. grade of 13% and one 100 ft. grade of 11%. The Commissioners were of the opinion that, in view of the size of this subdivision, its topographical features and other facts and circumstances the variances requested were reasonable and should be granted. Mr. Robert Moran moved that the plat be approved with said variances above mentioned. The motion was seconded by Mr. John Moran and passed by unanimous vote.

PLAINTIFF'S EXHIBIT 1032

MINUTES OF MEETING OF
WILLIAMSON COUNTY PLANNING COMMISSION

JUNE 19, 1975¹

The regular meeting of the Williamson County Planning Commission was held at the Court House in Franklin, Tennessee, on June 19, 1975, at 7:30 o'clock P. M. Present were: T. Vance Little, Chairman, Claude Callicott, Secretary, Robert Moran, John Moran, Larry Westbrook and Harry Sanders. Absent were: Stirton Oman, Clyde Gay, Mitchell Beard and Jim Crowell. Also present were

Thomas Ragsdale, Staff Representative, and Joe Bowman, County Building Commissioner.

Mr. Reed Mullins, representing Temple Hills Country Club Estates, presented for approval a revised preliminary plat of said subdivision as a whole, the same being located in the Sixth Civil District. Two previous sections of this subdivision have received final approval. The principal change desired to be made is with respect to the location of certain recreational facilities. No change in the boundaries of the open space areas is contemplated, the change of said facilities being a change from one portion of the open space to another portion of the open space. The Secretary advised that any change in the boundaries of the open space would probably require action by the Quarterly County Court since, according to his recollection, the Open Space Easement which had been conveyed to Williamson County and which the Secretary had prepared, requiring that no change could be made in same except by joint action of the Planning Commission and the Quarterly County Court.

Mr. Ragsdale recommended the approval of said preliminary plat. Mr. Robert Moran moved to approve same. The motion . . .

PLAINTIFF'S EXHIBIT 1056

MINUTES OF THE MEETING OF THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION

April 20, 1978

The regular semi-monthly meeting of the Williamson County Planning Commission was held at the Courthouse in Franklin, Tennessee, on April 20, 1978, at 7:30 p.m. Present were Messrs. Claude Callicott, Chairman; Sid Smith, Vice-Chairman, Bobby Pitts; Ernie Blankenship; Robert Moran; Mitchell Beard; and Judge Wilburn Kelley. Staff Representatives present were Tom Ragsdale, County Planner; and Joe Bowman, County Building Commissioner.

The meeting was called to order by Claude Callicott, Chairman; at 7:33 p.m.

The meeting began with the reading and approval of the minutes of the March 16, 1978, Planning Commission Meeting. A motion was made by Ernie Blankenship to approve the March 16, 1978 minutes as they read. Motion was seconded by Robert Moran, and unanimously carried.

Item I, discussion of the "loop street" around Franklin. Mr. Elbert Bagby, City Coordinator, was not present to discuss the loop street, and since it had been his request to do so the commission postponed the item.

Item II, Mr. Dan Boone, resident of Sneed Road, wished to discuss installation of fire plugs on county roads. Mr. Boone came forward to speak to the commissioners. Mr. Boone explained that he lived on Sneed Road at the north end of the county, and . . .

Mr. Ragsdale moved on to say that the next point of concern was the water and sewer treatment, at the present time the plans for the sewage treatment plant and water lines have been sent to the state. Mr. Ragsdale has not received any word from them.

Stonebrook's sewage treatment system will be constructed by the developer and eventually given to the Nolensville Utility District.

Mr. Westbrook asked if there was still a moratorium on the Nolensville Utility District. Mr. Ragsdale said as he understood it the moratorium was still in effect.

Mr. Callicott felt that they should not give final approval to any plat until they were positively sure that water could be obtained.

A motion was made by Larry Westbrook to postpone final approval for Stonebrook until a solution for the water, sewer, and for the spite strip were available. Motion was seconded by Mitchell Beard, and unanimously carried.

Item IV, the developers of Temple Hills requested renewal and revision of its preliminary plan.

The developers wanted to move the entrance to the Club House from Canterbury Lane to Temple Road. They also wanted to renew the preliminary plat with the revision. Staff pointed out that they should discuss the bond situation.

A motion was made by Sid Smith to revise and renew the preliminary plat. Motion was seconded by Bobby Pitts, and unanimously carried.

Mr. Ragsdale explained to the commission that they had an original bond for \$1,255,500.00, executed in July of 73 with the completion date set for two years, however a surety bond is valid for 6 years and the bond was nearing that time. Mr. Ragsdale also said that the roads were

not up to county standards at the present time. Mr. Ragsdale reminded the commission that they had discussed reduction of the bond about 2½ years ago, and the commission moved to reduce the bond to \$300,000.00, however at that time the problem with the financial institution went into effect and everything went on hold. Mr. Ragsdale felt that \$300,000.00 would cover what they needed. Mr. Jim Patterson wanted to reduce the bond to \$200,000.00.

A motion was made by Mitchell Beard to reduce the bond to \$300,000.00. Motion was seconded by Sid Smith, and unanimously carried.

Item V, Mr. R. C. Adams developer of Franklin East requested final approval of section I, located in the 14th Civil District on Highway 96 East.

Leon Stanford came forward to represent Mr. Adams, he told the commission that the plat had been approved at one time and the bond was not posted. The commission had just recently reinstated the preliminary plat. Mr. Callicott pointed out that the commission received a letter from Milerofton and from the state approving 29 water taps for Franklin East.

Mr. Stanford told the commission that there are no fire plugs, however Milerofton Utility District does not want fire plugs.

PLAINTIFF'S EXHIBIT 1057

MINUTES OF THE MEETING OF THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION

May 4, 1978

The regular semi-monthly meeting of the Williamson County Planning Commission was held at the Courthouse in Franklin, Tennessee, on May 4, 1978, at 7:30 p.m. Present were Messrs. Claude Callicott, Chairman; Sid Smith, Vice-Chairman; Clyde Gay, Secretary; Bobby Pitts; Judge Wilburn Kelley; Robert Moran; Ernie Blankenship; and Mitchell Beard.

The meeting was called to order by Claude Callicott, Chairman at 7:30 p.m.

The meeting began with the reading and approval of the minutes of the April 20, 1978 Planning Commission Meeting. A motion was made by Ernie Blankenship to approve the April 20, 1978 minutes with one correction, page 6 "work" should be "word". Motion was seconded by Robert Moran, and unanimously carried.

The Commissioners then moved on to an item of old business. Mr. Tom Fox, County Attorney, had received an offer of \$2,000.00 to settle an old lawsuit concerning Murray Estates (formerly known as Twin Lawn Subdivision). It was was Mr. Fox's and staff's opinion that the Planning Commission settle the suit for \$2,000.00.

Mr. Sid Smith asked what needed to be done. Mr. Ragsdale said that the ditches needed to be dressed, and some patching needed to be done on parts of the roads. Mr. Smith concluded that it came down to taking the \$2,000.00 or continuing the lawsuit.

... a letter written to the realtors, and what requirements would be necessary to stabilize the A & B parcels. Mr. Granstaff added that the only thing they had not been

able to do was to show the building configuration and where the driveways were going in and where the retaining walls would be.

Sid Smith withdrew his suggestion, because they were reserved parcels and a building permit should not be issued to a reserve parcel in the first place. Mr. Smith suggested that the Commission examine the plat as it was. Mr. Pitts asked why they shouldn't approve it without the two lots. Mr. Smith explained in order to eliminate the two reserve lots Mr. Freeman would have to take them off, reprint the plat, and bring it back to the next Planning Commission Meeting.

A motion was made by Sid Smith to defer action on the final plat of Highgate, recommending to Mr. Freeman and Mr. Granstaff that they eliminate the two reserve parcel lots A & B, and bring it back to the next Planning Commission Meeting as the first item on the agenda. Motion was seconded by Bobby Pitts, and unanimously carried.

Item V, Stanford and Associates requested preliminary approval of Owl Creek, located in the 16th Civil District on Bluff Road. Item V was withdrawn.

Item VI, Stanford and Associates requested final approval of section IV of Temple Hills Country Club Estates, located in the 6th Civil District off Temple Road.

Mr. Jim Patterson came forward to speak to the Commission about Temple Hills. Mr. Ragsdale reminded the Commission that Temple Hills had been given preliminary approval at the previous meeting. The plat contains 35 acres, 60 lots, and 4,276.8 feet of new road. The only question staff had was setting the bond at \$180,000.00.

A motion was made by Robert Moran to grant final approval to Temple Hills Section IV, subject to a \$180,000.00 bond."

Mr. Leon Stanford asked that the minutes show how they planned to construct the roads. They proposed on Section I and III to complete the roads when homes are completed on the cul de sacs, and have them released from performance bond and placed on maintenance. On Section IV they proposed to construct the roads to base with J.B.S.T. without curbs until 80% of the home was completed on each lot. At that time place curbs and final D.B.S.T. and request a maintenance bond.

Motion was seconded by Sid Smith, and unanimously carried.

Item VII, the developers of Farmington Subdivision requested final approval, located in the 8th Civil District on Berry's Chapel Road. Item VII, was withdrawn.

Squire Ed Fox, representing the people from the Pine-wood Valley area, came forward to discuss the Nashville Music Festival. Mr. Fox wanted to go on record as asking the Planning Commission to do everything in its power to keep the Nashville Music Festival from actually taking place. The people Squire Fox represented felt it would be infringing on their rights. Squire Fox told the Planning Commissioners that Mr. Ragsdale had pointed out a couple of instances where the Festival participants would be . . .

PLAINTIFF'S EXHIBIT 1073

MINUTES OF THE MEETING OF THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION

August 16, 1979

The regular semi-monthly meeting of the Williamson County Planning Commission was held at the Courthouse in Franklin, Tennessee on August 16, 1979 at 7:30 p.m.

Members present:

Dr. Robert Medaugh
Mitchell Beard
Ernie Blankenship
Clyde Gay
Pete Mosley
Joe Baugh
Judge Kelley
Ann Petersen
Bobby Pitts, Chairman

Staff Present:

Morton Stein, County Planner
Dave Demerich, County Engineer
Tommy Watson, Building Commission Assistant

The meeting was called to order by Mr. Bobby Pitts, chairman at 7:35 p.m.

The Planning Commissioners then considered the minutes of the August 2, 1979 meeting. Motion was made by Clyde Gay to approve the minutes. Ernie Blankenship seconded the motion; motion passed unanimously.

OLD BUSINESS: ITEM I: PUBLIC HEARING

Morton Stein gave the background on the Public Hearing. The Planning Commission is considering an amend-

ment to consider additional criteria to page 4, section B, 7 of the Williamson County Regional Planning Commission Subdivision Regulations concerning reapproval of Preliminary Plats. Mr. Stein explained that the Public Notice stated that the Commission will consider the following alternative recommendations concerning Preliminary Plat renewal:

1. That all Preliminary Plats approved before August 16, 1979 shall be made retroactive to the original approval date and that if final plats covering all the lots on the Preliminary Plat have not been approved by the Commission by July 1, 1982, that the Preliminary Plat of the remaining lots shall be approved under the standards existing at the date of submittal.

2. Evaluate progress of development and if developer has shown significant progress during the past year renew plat under original regulations. If no significant progress, renew plat as if it were a new plat. The Commission shall establish a criteria for "significant progress" as:

25 percent of the lots approved on final plats each year regardless of the size of the subdivision.

He said that the County Attorney stated that the Commission was not bound to the wording of the two alternatives, but could only consider amending Sentence B, 7 of the regulations.

Sentence B, 7 states: The approval of the Preliminary sketch plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

Ernie Blankenship explained the recommendation by the Subdivision Regulation Committee. He stated that the Subdivision Regulation Committee had arrived at the position that all Preliminary plats coming forth for renewal would or could be approved under existing regulations they were originally approved under when filed. The Subdivision Regulations Committee had a cut-off date established of July 1, 1982 that said if all final plats were not in covering a Preliminary at that time they would on that date fall under new Regulations that may have been passed since the Preliminary was approved.

Morton Stein, County Planner, gave a recommendation that all plats should be approved as new plats. A way of wording this is to add the following sentence to B, 7 of Subdivision Regulations.

Renewal shall be granted provided the preliminary plat meets regulations and situation at the time of renewal.

There were several members of the audience commenting on the Subdivision Regulation changes. Residents from Temple Hills Subdivision and Countrywood encouraged the commissioners to pass the new Subdivision Regulations. Some residents brought up the point of what is going to be done to correct inconsistencies and how are we going to keep them from happening in the future. County Commissioner Gayle Moyer was in favor of stricter regulations and urged the commissioners to consider the good of the county in adopting Regulations. John Stewart a resident of Temple Hills Subdivision came before the commissioners and said "lets start now and go forward with the regulations as they stand and support your plan."

Members of audience speaking for stricter regulations were County Commissioners Gayle Moyer and Robert Ring, residents of Countrywood, Jim McGee, Charlie Strong, and Jim Lamb, Temple Hills residents John Stewart and Jim McNeil were also in favor of stricter regulations. Gene Cross, Tom Ragsdale and Bill Eason were against the stricter regulations. Bill Eason stated that there were serious legal questions that should be looked in to.

Judge Kelley made a motion to amend the sentence to B, 7 under Preliminary Sketch Plat in accordance with the County Planners recommendation; Motion was seconded by Mitchell Beard.

At this time Clyde Gay, Secretary of the Planning Commission resigned from the Planning Commission.

The Planning Commission then voted on the motion. Those in favor of the motion were Dr. Robert Medaugh, Pete Mosley, Joe Baugh, Judge Kelley, Ann Petersen, and Mitchell Beard. Those voting against the motion were Bobby Pitts, chairman of the Planning Commission and Ernie Blankenship. Motion passed 6 to 2.

At this time Ernie Blankenship resigned from the Planning Commission.

ITEM II: GERARD NEBEL REPRESENTING FDIC REQUEST APPROVAL OF PRELIMINARY PLAT OF C O U N T R Y W O O D ESTATES. *DISAPPROVED.*

Morton Stein said the Planning Commission has two options:

1. To renew plat with the stipulations that it meet all our current regulations.
2. Disapprove the plat until it is presented, meeting our regulations.

The staff recommended to renew plat with stipulations that it meet our current regulations. When the next final was handed in we would review the final with relationship to our new regulations. Another stipulation for Countrywood would be that the next final plat would have all of open space on that plat. It was noted that there was no one representing FDIC at the meeting to present the plat or answer questions.

Pete Mosley made a motion to disapprove until a plat is submitted by someone representing the developer or owner of the development. Mitchell Beard seconded the motion; Motion passed unanimously.

ITEM III: REQUEST RENEWAL OF THE PRELIMINARY PLAT OF TEMPLE HILLS COUNTRY CLUB ESTATES SUBDIVISION, LOCATED ON SNEED RD. IN THE 6TH CIVIL DISTRICT. *APPROVED.*

Staff recommended to renew plat under 1979 regulations. Judge Kelley made a motion to renew plat under new regulations and Pete Mosley seconded the motion. Don Harris, an attorney representing the Temple Hills homeowners association asked that it not be renewed because of problems with open space in the development and with the restrictive covenants which were changed by the developer. The people of Temple Hills want the developer to make restrictive covenants and to define open space be-

fore action is taken on Preliminary Plat. After hearing Mr. Harris' discussion, Judge Kelley withdrew his motion.

After a very lengthy discussion Ann Petersen made a motion to renew plat under 1979 regulations. Motion was seconded by Joe Baugh; motion passed 4 to 2 with Mitchell Beard and Judge Kelley voting no, Pete Mosley, Joe Baugh and Ann Petersen voting yes, Robert Medaugh, abstained.

ITEM IV: G E R A L D B U C Y, REPRESENTING CROSS PROPERTIES, REQUEST REAPPROVAL OF PRELIMINARY PLAT OF STONEBROOK SUBDIVISION UNDER 1975 REGULATIONS. WITHDRAWN.

ITEM I: NEW BUSINESS: BOND REDUCTION REQUEST FOR SETTLER'S POINT SUBDIVISION. APPROVED.

There is now a letter of credit bond on Settlers Point due to expire on November 1, 1979. Dave Demerich, County Engineer stated that the developer has completed substantial work in the subdivision. The staff recommended a bond reduction in the amount of \$17,000.00. Ann Petersen made a motion to accept the bond reduction; motion was seconded by Mitchell Beard and passed unanimously.

With no further business to come before the commissioners the meeting was adjourned at 10:30 p.m.

Bobby Pitts, chairman
Secretary

PLAINTIFF'S EXHIBIT 1087
MINUTES OF THE MEETING
OF THE
WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION

OCTOBER 2, 1980

Members Present:

Leanore Wartell
Mitchell Beard
Judge Wilburn H. Kelley, Jr.
Pete Mosley
Jack Meagher
Joe Baugh
Joey Davis
Dr. Robert Medaugh
Ann Petersen

Staff Present:

Morton Stein, County Planner
Thayer Martin, County Engineer

The meeting of the Williamson County Regional Planning Commission was called to order at 7:40 p.m.

Old Business:

State Representative Cliff Frensley was present to discuss water problems in the Flat Creek area. Representatives from Williamson County met with the Maury County Water Commission last week to discuss the water problem and the possibility of buying water from Maury County. Mr. Frensley felt it would be more feasible to get water from Maury County for the Flat Creek Community since the water lines are so close. The engineer for Maury County, Joel Spalding is going to do some preliminary work and come up with recommendations in terms of try-

ing to persuade Maury County to extend their lines or whether to tie onto one of the Utility Districts in Williamson County or create a new district.

Judge Kelley thanked Mr. Frensley in assisting with the water problem in Williamson County.

Stan Nelson came before the commission to discuss an interim solution to the water problems of Williamson County. The most feasible alternative is a small water plant on the South Harpeth River in the vicinity of Highway 100 and 96. The water plant would be sized for approximately three million gallons per day and have a 63,350 foot water line along Highway 96 to the center of the county. The estimated cost of this project is 7.4 million dollars.

Mr. Stein prepared a resolution concerning a pre-application for grant/loan funds to build a water plant and necessary water lines on the South Harpeth River. Staff recommended that this resolution be passed and get this process started. (see enclosed resolution).

Motion was made by Ann Petersen to pass this resolution. Jack Meagher seconded the motion; motion carried.

ITEM I: CONSIDER PERFORMANCE BONDS FOR THE SPRINGVIEW SUBDIVISION LOCATED OFF TOM ROBINSON ROAD IN THE 10TH CIVIL DISTRICT. EXTENDED.

Mr. Martin reported that the grass is growing well and the ditches are beginning to shape up and the final toppling is down on the streets. The paving company will get the shoulders in shape in the next few weeks. Mr. Martin

recommended extending the performance bond for two months.

Motion was made by Pete Mosley to extend the performance bond for Springview for two months provided a letter of credit is brought into our office. Leanore Wartell seconded the motion; motion carried.

ITEM II: CONSIDER PERFORMANCE BOND FOR OWL CREEK SUBDIVISION LOCATED OFF BLUFF ROAD IN THE 16TH CIVIL DISTRICT.

Mr. Martin's latest inspection revealed that an erosion control plan and the ditch work in this subdivision has not been started. Staff recommended calling the bond on Owl Creek Subdivision if the work has not been started by October 7, 1980.

Motion was made by Dr. Robert Medaugh to accept the staff recommendation and call the bond if work has not been started by October 7, 1980 and if work has been started then extend the bond for a one month period. Jack Meagher seconded the motion; motion carried.

ITEM III: CONSIDER PERFORMANCE BOND FOR STONEBROOK SUBDIVISION SECTIONS I, II, III, IV & V LOCATED OFF NOLENSVILLE ROAD IN 17TH CIVIL DISTRICT.

Mr. Gerald Bucy, representing Stonebrook Division, told the Planning Commission that all the ditches in sections I, II & III have been re-seeded and shot rock has been placed on all the ditches that were particularly hard to stabilize to hold the siltation down (see enclosed letter to Mr. Martin). Also Mr. Bucy requested a bond reduction

on Sections IV & V. Mr. Martin stated that progress has been made in sections IV & V but felt that it was not in the county's best interest to reduce the bonds.

Staff recommended a two month extension for Sections I, II & III to provide time for the stabilization of the ditches. Also, the staff recommended renewing the bond for Sections IV & V for a period of one year with no reduction of the bond. Motion was made by Pete Mosley to accept staffs recommendation. Jack Meagher seconded the motion; motion carried.

ITEM IV: CONSIDER THE MAINTENANCE BOND FOR THE HIGHGATE SUBDIVISION SECTION II LOCATED OFF FRANKLIN ROAD IN THE 8TH CIVIL DISTRICT. EXTENDED.

Staff recommended a two month extension to allow the developer to re-sod and re-seed this section. Motion was made by Jack Meagher to extend Section II of Highgate for two months. Dr. Robert Medaugh seconded the motion; motion carried.

ITEM V: CONSIDER THE MAINTENANCE BOND FOR FORREST HOME FARMS SUBDIVISION SECTION VI LOCATED OFF HIGHWAY 96 IN THE 6TH CIVIL DISTRICT.

Mr. Dickinson told the planning commission that there are six lots in this section and four of the six lots have been sold. Mr. Dickinson and the County Engineer looked over this section and found that one more culvert and headwall are needed. Mr. Martin suggested that either the work be completed in a manner acceptable to Mr. Hatcher and him-

self or a one month extension on the performance bond at least three days before the due date of the letter of credit.

Motion was made by Leanore Wartell that if the work on the road of section 6 is satisfactorily completed by next week that the road be accepted by the County and that if not completed to satisfaction of the County Engineer and Highway Superintendent that the bond be extended for a period of one month. Pete Mosley seconded the motion. Motion carried with a vote of 7-1 with all members voting in favor of the motion except Joey Davis who voted no.

CONSIDER THE PERFORMANCE BOND FOR SETTLERS POINT SUBDIVISION LOCATED OFF OLD HILLSBORO ROAD IN THE 6TH CIVIL DISTRICT. DEFERRED.

The developer of Settlers Point has the gravel placed and would like to get all of his foundations started next spring so he will be at least 80% buildout. By May or June he would like to put his binder and topping down and then go onto a Maintenance Bond for one year. The bond for Settlers Point is due 11/1/80 and the developer would like an extension until June 1, 1981. (see enclosed letter from Bill Eason).

Mr. Martin pointed out that there are a lot of driveways going onto the street and he has received complaints from people driving on Old Hillsboro Road. He told the commission that he feels that the developer should get the gravel off the paved portion of the road. Also there is a small amount of erosion on Highway 96 that needs to be taken care of.

Motion was made by Ann Petersen to defer action on this item until the October 16, 1980 meeting. Judge Kelley seconded the motion; motion carried.

ITEM VII: CONSIDER PERFORMANCE BONDS FOR TEMPLE HILLS SUBDIVISION SECTIONS IV AND V LOCATED OFF TEMPLE ROAD IN THE 6TH CIVIL DISTRICT.

Mr. James Patterson reported to the Planning Commission that the water and sewer are completely in on Sections IV & V and they are in the process of putting in all the electrical work. Mr. Patterson requested a one year extension on the Performance Bonds of Sections IV & V.

Mr. Martin reported that some measures for an erosion control plan have been taken. The bales have been put down as requested by the county engineer but when he checked this subdivision he did not observe that they had been staked. Mr. Martin reminded the Planning Commission that this has been extended several times. Also, there are a lot of mitigating circumstances surrounding this issue but to be consistent with what the planning commission has been doing in the past Mr. Martin recommended calling the bond.

Mr. Stein stated that the bond for section IV is due 12/1/80 and section V is due 10/15/80 and that there is no way that the developer can pave between now and December 1 unless he goes to hot mix instead of oil and chip. Mr. Stein recommended for section IV that if the developer has not paved by the middle of November that the commission give the staff the authority to call the bond.

Mr. Ragsdale responded to the statement made by Mr. Martin concerning staking the bales. Mr. Ragsdale stated that the bales were not staked because he knew they would be working in this section and the bales would have to be moved and he saw no real reason to do so until the rainy season begins.

Mr. Stein asked Mr. Patterson when he plans to complete the roads in Temple Hills. Mr. Patterson reminded the commission that the roads are not under the new specifications and if the commission would work something out with him he would try to pave them all and cut the roads back to the original size that they were. Mr. Patterson said that this proposition has been made and asked for but he has never had a response to it. Mrs. Petersen responded, for the record, that she has never seen concrete evidence of the proposal in writing. Mrs. Wartell asked what the proposal was. Mr. Patterson responded by telling her that if he were allowed to leave the roads at the same width that they were approved under and not have to widen the roads that instead of oil and chip that it could be black topped. Mr. Ragsdale reported that they have paved three cul-de-sacs with two inches of black top at the beginning of this process and were going to pave all of section I as they could afford it. The results were that there was a push to go ahead and double penetrate all of the roads in section I and this was done about a year and a half ago, but the original proposal was as they could afford it they would put two inches of hot mix on all the roads in Temple Hills. It was also reported that the paving company, Sessions Paving, would be available in the next two or three weeks to start paving.

After a very lengthy discussion Leanore Wartell made a motion to extend the bond for section V for one month provided a signed savings account in the amount of \$13,000 is in our office by October 10, 1980 with a letter stating that if the work is not done we will immediately get the funds. Pete Mosley seconded the motion.

Mrs. Peterson brought up the condition of Temple Road, which serves the whole subdivision and it ought not be in the shape it is in. The bond amount for Temple Road was \$13,000 and was a personal check and when we called the bond and tried to collect the funds Mr. Patterson stopped payment on the check. Mrs. Petersen felt this was an example of what has been done out there.

Mr. Patterson told the commission that things have been about as bad as they could be in the past year and that he has kept the road patched to the best of his ability. He also told the commission that he had never made any promises to the commission as to when he would re-do Temple Road.

The above motion was then voted on with Dr. Robert Medaugh, Jack Meagher, Joe Baugh, Leanore Wartell and Pete Mosley voting in favor of the motion and Judge Kelley, Ann Petersen and Joey Davis voting against the motion. Motion carried with a vote of 5-3.

The bond for Section IV of Temple Hills is due 12/1/80. Staff recommended that if no work is accomplished on section IV by November 15 that the commission authorize the staff to call the bond. Action on Section IV was deferred until the first meeting in November.

ITEM VIII: CONSIDER ZONING RESOLUTION TO COMPLY WITH FEDERAL INSURANCE AGENCY REQUIREMENTS FOR FLOOD INSURANCE PROGRAM.

The resolution concerning requirements for flood insurance was presented to the County Commission a few months ago and this resolution was tabled because of questions pertaining to the amendments. Mr. Stein met with a few of the members of the Commission and the following was suggested.

- (1) Under "Definition" use the phrase "or some other study authorized and approved by the County Commission."
- (2) That the first floor elevation be lowered to one (1) foot for Non-Conforming Structures and that the definition be further defined so that it is understood that a house in the floodplain area that has a first floor elevation above the 100 year flood elevation is not considered in the floodplain. This means that they would not be required to supply a detailed engineering report to the Planning Commission for approval.

F.I.A. indicated that these changes would meet their regulations. They also stated that the following phrase should be added to the "Non-Conforming Use" paragraph, "No Mobile Home outside a Mobile Home Park destroyed in any manner shall be rebuilt in the floodway."

Staff recommended that the amendments be advertised to be heard in November by the County Commission and that we invite a representative of FIA to address the Planning and County Commission before the County Commission meets in November.

Motion was made by Ann Petersen to approve the resolution as amended and recommend this to the County Commission. Jack Meagher seconded the motion; motion carried.

ITEM IX: CONSIDER FINAL PLAT OF TWO LOT SUBDIVISION LOCATED ON NORTH CHAPEL ROAD AND PATE ROAD IN THE 14TH CIVIL DISTRICT SUBMITTED BY TONY CHAPDELAINE REPRESENTING RICHARD IRVIN. WITHDRAWN.

This item was withdrawn by Mr. Chapdelaine.

ITEM X: CONSIDER FOR APPROVAL THE SKETCH PLAN FOR THE TEMPLE HILLS ESTATES SUBDIVISION LOCATED OFF TEMPLE ROAD, SUBMITTED BY JIM PATTERSON AND ASSOCIATES.

Motion was made by Joey Davis that nothing be looked at until the \$13,500 check for Section III is taken care of. Pete Mosley seconded the motion. Motion failed with a vote of 4-5. The members voting no were Jack Meagher, Dr. Robert Medaugh, Ann Petersen, Judge Kelley, and Mitchell Beard. Those voting yes were Joey Davis, Pete Mosley, Leanore Wartell and Joe Baugh.

Mr. Ragsdale reported that the plat was approved in 1973 with a total of 676 acres. Out of 676 acres there was computed to be 736 dwelling units allowed. Mr. Stein read a letter from the members of the 1973 Planning Commission (see enclosure) concerning the Temple Hills Country Club Estates which was approved by the Commission with 736 dwelling units. Mr. Ragsdale felt it was necessary to go back to the people who reviewed the plan. A letter was presented to the commission from Mr. Bob Martin who was the county planner at that time (see enclosed letter).

In 1973 the developer came before the commission for approval of Section I and before the commission would approve section I it required that all Open Space be dedicated. An easement on 245 acres was dedicated to the County providing that the land would never be subdivided and remain open space (golf course). Mr. Ragsdale told the commission that the Natchez Trace Area is just as much part of the open space as any other area according to county regulations.

Mr. Ragsdale told the commission that the grade situation was known from the beginning and that there would be grades greater than 10% and in certain areas today that there are grades greater than 10%. The county regulations state that the county highway department and county planning commission have the authority to vary grades based on topography and concept of open space residential development.

Mr. Ragsdale contended that the preliminary site plan was presented and approved in 1973 and that it was revised every year or a new plat was in progress. In 1976 the owners lost control of the property because of financial problems and Mr. James Patterson, prospective buyer, wrote a letter to the Planning Commission asking how many units and lots existed in Temple Hills. Mr. Stein read the letter dated November 26, 1976 to Mr. Patterson from Tom Ragsdale, county planner at the time. The letter was in reference to the number of units allowed in Temple Hills Country Club Estates. The letter stated that: "The preliminary plat of Temple Hills Country Club Estates on file in the planning office indicates there are 736 housing units approved by the planning commission."

Our files also indicate no action has been taken on this overall preliminary plat since the summer of 1975".

Mr. Ragsdale reported that on March 22, 1978 Leon Stanford requested a letter asking for the dates of which some action had been taken on the plats. A letter was submitted to him listing nine different events on which it had been renewed or approved in some form or another.

On August 16, 1979 the Planning Commission renewed the plat for one year according to the 1979 regulations. That night Mr. Ragsdale told the commission that they stand under all their rights under the old plat. Following that time period on December 20, 1979 the commission told Mr. Ragsdale that if they had steep slopes on the back side of the property, that they should be very careful on how they would develop and that they may not be able to develop. The Planning Commission asked that the developer locate all 736 units. Mr. Ragsdale asks for a committee to be established to sit down and work with him. The committee reported to the Planning Commission that they had a generally acceptable plan for the northern end of the subdivision and are working on the south end. The developer provided the commission with 1/100 scale maps with two foot contours and anything and everything that they had access to. Mr. Ragsdale said they were finally down to a point where they worked out a design and the committee went to Temple Hills and showed the homeowners the total design that they had worked up. They separated the total acres, gave the total number of open space acres and the number of dwelling units and lots which was 286, area of future acres which is 129 and the take which was 18.5. There are allowable units for 236 and 212 that

is presently platted. Dwelling units detached are 264 and detached and attached town houses are 260.

There was further discussion concerning staff's recommendations (see enclosure). Also several homeowners of Temple Hills brought up the point of open space and the fact that there are no recreational facilities provided for the children.

The committee working with Mr. Ragsdale on the Temple Hills Subdivision did not agree with some of the recommendations of the staff. The committee recommended that the subdivision regulations be waived on the cul-de-sacs in excess of 1500 feet. Also they agreed that there was no way to meet the road grade regulations for it to be developed. The committee agreed that the proposal does not comply to the present zoning ordinance. Also the committee recommended waiving the 10% grade restrictions subject to review and approval by both the Planning Commission and Road Commission when road plans are submitted. They also recommended that appropriate legal action be taken on section III which was defaulted.

Motion was made by Ann Petersen to disapprove the plan as presented for the following reasons:

- (1) The plans do not comply with the density requirements of Williamson County -there was no consideration given for taking out the property sold for the Natchez Trace Parkway, no consideration for taking out land for ten (10%) percent for roads and no consideration for taking out fifty (50%) percent of the land with slopes greater than twenty five (25%) percent.

- (2) That there are lots and areas shown to be developed on slopes of greater than twenty five (25%) percent.

Pete Mosley seconded the motion; motion carried. Mrs. Wartell voted against the motion.

Mr. Ragsdale requested a letter signed by the secretary stating which regulations are being used and where the Board of Appeals fits in the evaluation and interpretation of zoning regulations.

Due to the lateness of the hour Items XI and XII were postponed until the next planning commission meeting.

ITEM XIII: CONSIDER SETTING DATE TO AMEND SUBDIVISION REGULATIONS CONCERNING PROCEDURES FOR WAIVING AND RENEWAL OF BONDS.

Motion was made by Pete Mosley to set the date of the public hearing to amend the subdivision regulations concerning procedures for waiving and renewal of bonds on November 6, 1980. Joey Davis seconded the motion; motion carried.

With no further business to come before the commission the meeting was adjourned at 12:05.

/s/ Ann Petersen
Secretary

RESOLUTION FOR APPROVAL OF SUBMITTAL OF FEDERAL OR STATE FUNDS TO SERVE WILLIAMSON COUNTY'S WATER PROBLEMS

WHEREAS, Williamson County has suffered severe water problems in recent years; and,

WHEREAS, The Williamson County Board of County Commissioners has retained the consulting engineers of Harry Hendon and Associates to assess the County's water problems and to develop plans for meeting the County's current and future water needs; and,

WHEREAS, said engineers have recommended a water plant on the South Harpeth River; and,

WHEREAS, The Tennessee Division of Water Quality Control and the Farmer's Home Administration recognized that Williamson County is in great need of additional water; and,

WHEREAS, The County may receive grant and/or loan funds from the Farmer's Home Administration, State of Tennessee and/or HUD;

NOW, THEREFORE, BE IT RESOLVED, for the Williamson County Regional Planning Commission to endorse the submittal of a pre-application for grant and/or loan funds to build a water plant with necessary water lines on the South Harpeth River.

Ann Petersen, Secretary,
Williamson County Regional
Planning Commission

CROSS PROPERTIES
 REAL ESTATE . LEASING . DEVELOPING
 TELEPHONE 114 THIRD AVENUE SOUTH
 790-3700 FRANKLIN, TENNESSEE 37064
 October 2, 1980

Mr. Thayer Martin
 County Engineer
 Williamson County Courthouse
 Franklin, Tennessee 37064

Re: Stonebrook Sections 1-5

Dear Thayer,

This letter is to notify you and the Planning Commission that Williamson Properties Ltd. will be requesting a conversion from the Performance Bond to the Maintenance Bond on Stonebrook Sections 1-3 this month. All unstabilized areas have been reseeded three times since the time of our last request to be placed under a Maintenance Bond, and areas that were hardest to stabilize have had blasted rock placed so as to facilitate stabilization.

I would like to remind you and the Planning Commission that we are at the 30% level which is the same bond amount required for the Maintenance Bond, and therefore the liability to Williamson Properties Ltd. would remain the same through the Maintenance period. We would then have a two-year period to take any further measures necessary to complete stabilization. By being placed under Maintenance, we would merely be beginning the two-year period now and hopefully shortening the total length of time that bonding would be necessary. By expediting this process, the County as well as the Developer, would be benefited.

Also, I plan to request a reduction in the Performance Bonds in Sections 4 & 5 in Stonebrook. However, I have

not requested a full reduction on work completed because I realize that the sewer and water have not been tested, a practice which is usually done when all lines are completed. All lines have not been completed because there are not lots sold in these sections, and it appears that it may be some time, because of the state of the housing market, before

Mr. Thayer Martin
 October 2, 1980
 Page Two

many lots are sold. For the reasons mentioned above, I do feel like the partial reduction that is requested is justified on Sections 4 & 5.

Per your request, we are placing straw bales across the road going into Section 4 to prevent siltation into the lower sections.

If you have any further questions concerning our efforts in this subdivision, or if you have any suggestions, please do not hesitate to call.

Sincerely,

/s/ Gerald G. Bucy, P.E.
 Project Manager

GGB:hb

SOUTHWINDS DEVELOPMENT
 AND
 CONSTRUCTION, INC.

1108 Battlewood Street Franklin, Tennessee 37064

October 2, 1980

Mr. Morton Stein
 Williamson County Planner
 Williamson County
 Planning Commission
 Public Square
 Franklin, TN 37064

Dear Mr. Stein:

I would like to propose the following steps to fulfill my responsibility on the five hundred and sixty foot road of Settlers Point.

Firstly, I would like to furnish the commission with a new letter of credit for the sum of \$19,000.00. Secondly, I would propose to pave Settlers Court in May or June of 1981. This will give us time to get an 80% completion of construction and I would then like to pave both base and final at the same time. My ditches have been stabilized to a good extent.

I believe that this would be the best way to complete my responsibility to you and the county. I have discussed this with some of the home owners and they seem pleased with the prospect of both finishing up the construction most of the way and having the road paved to a finished coat.

Thanking you in advance for your consideration.

Yours very truly,
 /s/ Bill Eason

BE/sm

Telephone (615) 794-9487

September 30, 1980

Williamson County Regional Planning Comm.
 Williamson County Courthouse
 Franklin, Tn 37064

Dear Mr. Chairman:

We the undersigned members of the 1973 Williamson County Planning Commission, desire to set the records straight concerning the approval of Temple Hills Country Club Estates. On May 31, 1973, Temple Hills Country Club

Estates was approved by the Commission. The development consisted of 676 acres and was approved for 736 dwelling units. At the time of approval this development met all county requirements.

/s/ Robert Moran
 Chairman

/s/ John Mason

/s/ (Illegible)

/s/ (Illegible)

/s/ (Illegible)

/s/ Thomas Helm

September 29, 1980

505 Fair Street
 Franklin, Tennessee 37064

Mr. J. T. Ragsdale, M. S. P.
 Box 189
 Bellevue, Tennessee 37221

In re: Temple Hills Country Club Estates

Dear Tom:

I was a principal planner with the Tennessee State Planning Office, Local Planning Division, Middle Tennessee Section, from February, 1973 through August, 1974. Williamson County was one of my contract areas for this entire time period.

One of my responsibilities was to make recommendations on agenda items presented to the Williamson County Regional Planning Commission. Temple Hills Country Club Estates was presented as one of those items, which actually began before I commenced working with the Commission. I worked on the sketch plan with the engineer on the

project, Mr. Lytle Brown. Mr. Brown and I eventually agreed that 736 dwelling units would be permitted on 676 acres. I also recommended that Mr. Brown place the dwelling unit figure on the sketch plan. As final plats were presented to the Commission and approved, the approved lots would be subtracted from the total dwelling unit figure. This would eliminate any disagreement in the future as to the number of dwelling units remaining to be approved. To the best of my knowledge, Mr. Brown told the Commission that it would be anticipated that the project would contain an undetermined number of multiple family dwelling units, which, of course, would not exceed the remaining permitted total dwelling units. He said that he would rather have the Commission consider the specific multiple family dwelling unit sites as the planning for the project progressed. The Commission approved the sketch plan on May 3, 1973.

When I may be of further assistance, please call on me.

Sincerely,

/s/ Bob Martin
City Planner

RM/rm

Recommendations

Disapprove the sketch plan for Temple Hills Subdivision for the following reasons:

1. The proposal does not comply with the density requirements of the zoning resolution of the County. We estimate that based on losing 18.5 acres for the Natchez Trace take, loss of 65.75 acres for the 10% of Road and loss of 50% of area with slopes greater than 25% that the maximum number of units would be 548.

2. There are two cul-de-sacs that are in excess of the subdivision regulations concerning the length of cul-de-sacs. (Regulations require maximum length of 1500 feet—Canterbury is about 5000 feet in length and Road A,B,C is over 3000 feet.)
3. There are road grades in excess of the Williamson County Road Regulations maximum grade requirements.
4. There are lots to be developed on land that is in excess of twenty five per cent (25%) grades.
5. The developer has defaulted on Section III and Temple Road which is the main access road for the development, cannot handle the traffic generated by the proposed development and Sections IV and V have gone through three paving seasons with only partial paving.
6. There are inadequate services to provide fire protection for the multi-family units proposed for this development. Also, there are no recreational facilities and open space provided for children and residents in the areas for Multi-family housing. (The only open space is limited to members of the Country Club.)
7. The lots do not meet the minimum size ($\frac{1}{2}$ acre) and road frontage (125) of our subdivision regulations.

The Temple Hills Planning Committee recommends that the Subdivision Regulations be waived on the cul-de-sacs in excess of 1500 feet.

The Temple Hills Planning Committee recommends waiving the 10% grade restriction subject to review and approval by both the Planning Commission and Road Commission when road plans are submitted.

The Temple Hills Planning Committee recommends that item 7 above be eliminated as a condition.

Action Taken:

**MINUTES OF THE MEETING
OF THE
WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION**
SEPTEMBER 18, 1980

Members Present:

Leanore Wartell
 Jack Meagher
 Pete Mosley
 Judge Wilburn H. Kelley
 Dr. Robert Medaugh
 Ann Petersen

Staff Present:

Morton Stein, County Planner
 Thayer Martin, County Engineer
 Tommy Watson, Assistant Building Commissioner

The meeting of the Williamson County Regional Planning Commission was called to order by Ann Petersen at 7:40 p.m.

The commission then considered the minutes of the September 4, 1980 meeting. On page one under Old Business, concerning the bond for Temple Hills, the motion was made by Leanore Wartell instructing Mr. Stein to collect the money if he does not have it in hand by 12:00 noon September 9. Mrs. Petersen asked that the word "money" be changed to "surety".

Motion was made by Judge Kelley to approve the minutes of the September 4, 1980 meeting as corrected. Pete Mosley seconded the motion; motion carried.

Announcements:

Mr. Stein announced that the committee that is studying the plan of Temple Hills will meet at 7:00 p.m. Sept.

22 with the homeowners of Temple Hills at the Country Club so the plan can be reviewed by the people who live out there. Mrs. Petersen suggested contacting the County Commissioners and letting them know about the meeting also.

Mr. Martin advised the commission that the developers of Breckenridge have submitted plans for the roadway and water for review of section 3. He stated that they are basically ready for the compaction test on the sub-base and then plan to put the gravel down this year. The developers are taking certain procedures for an erosion control plan to prevent excessive erosion during the winter. Mr. Martin also asked them to submit a water letter because there was some confusion as to whether or not all the conditions had been met in the original approval. The developers have agreed to send another water letter from the Utility District and also a hydraulic analysis of this system to make sure there will be no problems in the rest of the system. Mr. Martin suggested that the hydraulic analysis be handled by Stan Nelson the same way as compaction tests are handled by Pittsburg Testing; that is the developer requests a hydraulic analysis and agrees to pay for same, County Engineer authorizes consultant to prepare same, consultant transmits results and invoice to County Engineer and County Engineer transmits results and invoice to developer, developer remits payment to County and County to consultant. The commission thought this was a good idea and had no objections.

Plans were submitted to Mr. Martin for a proposed bridge by Mr. Butler who is the developer for Deerwood Subdivision (see enclosed plan). They would like to tie into Kingsberry Drive which is in Williamson County. Mr. Martin has requested certain information and checked with the Corps of Engineers and will not give any approval until the commission has been advised of any potential flooding problems and other engineer designs have been checked. Mr. Martin talked to Mr. Larry Biek, City Manager of Brentwood, and he is agreeable to this project being built if there are no problems and it is at the developers expense.

Old Business:

Mr. Stein reported that the bank has extended the bond for the Temple Hills Subdivision for one month. He reminded the commission members that the paving season ends October 1, 1980 and Temple Hills Section IV & V will be placed on the next agenda for discussion in terms of how to proceed with this subdivision. Mrs. Petersen suggested sending a letter to the developer reminding him that the paving season is soon going to end and the problems that have been extended in the past, possibly, will not be extended again. Motion was made by Pete Mosley to send a letter to the developer of Temple Hills and the Hamilton Bank making them aware that the paving season will soon end. Jack Meagher seconded the motion; motion carried.

Mr. Stein told the commission that the resolution for the floodplain was tabled by the County Commission until October 4. The main question of this resolution was in the area of the non-conforming use. The principle objection was the fact that if someone's house located in the floodplain burned or flooded and was destroyed they would have to perform engineering data and build their house out of the floodplain elevation. Some County Commissioners thought this would be an unnecessary burden on the people. Judge Kelley stated that the vote was close but there was some confusion so one of the commissioners made a motion to table it.

Judge Kelley announced that Mr. Joe Bowman, Building Commissioner and Tommy Watson, Assistant Building Commissioner are resigning. Mr. Stein was asked to issue building permits on a temporary basis and he indicated that he will help all he can. Judge Kelley suggested that maybe this was a good time to establish a codes department.

The Planning Commission had asked the staff to look into the situation of subpoenaing a witness for a court trial. It was the county attorneys opinion that if an expert witness is subpoenaed or asked to testify in court that we have to pay them.

ITEM I: CONSIDER PERFORMANCE BOND FOR THE HIDDEN VALLEY SUBDIVISION LOCATED OFF BERRYS CHAPEL ROAD IN THE 7TH CIVIL DISTRICT. EXTENDED.

Mr. Martin and Mr. Hatcher made a construction cost estimate of what it would cost to bring the roads up to date and in a condition where they would be acceptable. The estimated cost would be \$60,700. Mr. Martin reported that the developer had three options at this time. The bond could be increased to \$60,700 or the developer could improve Hidden Valley Road and provide a new bond in the neighborhood of \$28,000, or the bond could be called.

Staff recommended extending the bond for one month so that Mr. Stadler can get a legal opinion from his attorney. Motion was made by Dr. Robert Medaugh to grant a one month extension for the Hidden Valley Subdivision. Leanore Wartell seconded the motion; motion carried.

Motion was made by Judge Kelley authorizing Mr. Stein to go after the surety September 25, 1980 if the letter of credit extending the bond for one month is not in the Planning Office by 12:00 noon. Also the staff should send a letter to the bank holding the surety putting them on notice. Leanore Wartell seconded the motion; motion carried.

ITEM II: CONSIDER PERFORMANCE BONDS FOR THE SPRINGVIEW SUBDIVISION LOCATED OFF TOM ROBINSON ROAD IN THE 10TH CIVIL DISTRICT. DEFERRED.

Staff reported that Mr. Smithson was scheduled to pave on September 2, but was unable to because of rain. Staff recommended that since the bond is not due until October 16, that the planning commission take no action at this time but if they are not putting down paving by the next meeting that severe action will be taken. Motion was made by Leanore Wartell to defer action for Springview Subdivision until the October 4, 1980 meeting. Judge Kelley seconded the motion; motion carried.

PLAINTIFFS EXHIBIT 2524

A G E N D A

BOARD OF ZONING APPEALS
 NOVEMBER 11, 1980
 7:30 p.m.

- I. Consider granting a variance for the front yard setback of Lot 11, Oakwood Estates, zoned Residential A in the 10th Civil District. This request was made by William A. Brakebill.
- II. Consider request for variances for the front setback for all lots of Oakwood Subdivision Sections I, II, III, IV (approximately 24 lots) zoned Residential A in the 10th Civil. This request was made by Tower Real Estate.
- III. Consider the request for an interpretation of the zoning code pertaining to trailers set on permanent foundations and the request to place a trailer on the west side of Nashville Pike on Mrs. James I. Pewitt property.
- IV. Consider request that the building commissioner issue permits for two lots on Old Hillsboro Road (Tract 3A & 3B) zoned Agricultural. This request was made by Ed Boguskie and is located in Montpier Farms.
- V. Consider the request for an interpretation of the Residential Cluster zoning as it relates to Temple Hills Country Club Estates. This request was made by J.T. Patterson

M I N U T E S

BOARD OF ZONING APPEALS
 NOVEMBER 11, 1980

The Williamson County Board of Zoning Appeals met in regular session on November 11, 1980 at 7:30 p.m. in the

Williamson County Courthouse. The following members were present: Gayle Moyer, Joey Davis, E.A. Jaggers, Harry Sanders and Pete Davis. Also present was staff representative Morton Stein, County Planner and County Attorney Mitchell Crawford.

The Board considered the minutes of the October 7, 1980 meeting. Motion was made by Gayle Moyer to approve the minutes of the October 7, 1980 meeting. Joey Davis seconded the motion; motion carried.

The first two items on the agenda was a request made by William A. Brakebill for a variance to the front yard set back of lot 11, Oakwood Estates and a request made by Tower Real Estate, represented by Gerald Bucy, for a variance for the front setback of all remaining lots of Oakwood Subdivision Sections I, II, III and IV (approximately 24 lots) zoned Residential A in the 10th Civil District. Sections I through IV were approved before 1977 when this area was zoned Residential A with fifty (50) foot setbacks. This development is almost complete and the rest of the houses have fifty (50) foot setbacks. Mrs. Moyer asked if it was necessary to grant a setback variance for a plat that was recorded prior to being zoned Residential A. Mr. Crawford's opinion was that if this plat was recorded before the new zoning law was passed that this plat would be controlling. Mr. Stein stated that the zoning law did not specifically say that other lots were exempt and therefore the zoning law is prevalent over the plat. Mrs. Moyer explained that she wasn't sure whether there was anything the Board could do to force the developer to meet todays setback requirements. Mr. Stein felt that the variance was needed to be granted in this case

because it does not comply with present zoning. Mrs. Moyer stated that the present zoning is not applicable to the zoning that this subdivision was approved under.

Mr. Crawford explained that it may be desirable for the owners of lots or the developer to have the Board grant the variances so that the mortgage lender or the title insurance company will not have any questions. Several Board members felt that as long as this plat is registered and recorded showing fifty (50) foot setbacks that there was really no need for anyone to question it.

Motion was made by Gayle Moyer that items I and II on the agenda needed no action by the Board of Appeals and when a lot on a recorded plat meets the front setbacks that existed under the zoning regulations at the time the plat was finalized that if the zoning law changes then it still comes under the recorded plat setbacks. Motion was seconded by Mr. Jaggers; motion carried.

Item III was a request for an interpretation of the zoning code pertaining to trailers set on permanent foundations and the request to place a trailer on the west side of Nashville Pike on Mrs. James I. Pewitt's property. Mr. Stein explained that Mrs. Pewitt has approximately fifteen (15) acres and would like to place a trailer on her property for protection because she lives alone and has been burglarized twice. The property is zoned Residential A and a petition was signed by all the adjoining property owners stating they were aware that Mrs. Pewitt was requesting to place a trailer on her property and have no objections. (See Enclosed Petition).

Mr. Jim Dunn, manager of the Milcrofton Utility District, would be living in the trailer. He is presently living in east Nashville because he has been unable to find living quarters in the District.

There was a lengthy discussion as to whether the mobile home would be used for a use incidental to the agricultural use. Mrs. Pewitt stated that Mr. Dunn worked full time and thus there would be little or no actual farming. Mr. Stein pointed out that the zoning ordinance states that the Board of Appeals shall also have the power to permit mobile homes on a temporary basis of no longer than six (6) months with no more than one renewal and no change of location. This would give Mr. Dunn time to locate other living quarters in the county. Motion was made by Joey Davis to grant a six month permit with the possibility of a six month extension so Mrs. Pewitt can place a trailer on her property in a residential A Zone. Motion was seconded by Mr. Jaggers; motion carried.

The next item was a request made by Mr. Ed Boguskie requesting that the building commissioner issue permits for two lots on Old Hillsboro Road (Tract 3A and 3B) zoned Agricultural. Mr. Boguskie explained that they have a five (5) acre tract that faces on Old Hillsboro Road. This property was purchased in 1978 and he decided he would like to try and split one tract. He talked to Mr. Bowman and Mr. Ragsdale and the County Health Department. Mr. Boguskie was given certain specifics to follow which included having 100 feet of road frontage and the Health Department told them they needed to go to an outside source to have the property perked. After these things were accomplished Mr. Boguskie took a plat to Mr. Ragsdale, which was approved. The Health Department gave him a permit for the subsurface disposal system, which he had in his possession. Mr. Boguskie explained

that when the permits expired he tore them up and threw them away.

Mr. Boguskie has now decided to auction the property off but they ran into a problem. When he came into Mr. Stein's office he found that he was illegally subdividing the property. It seems there is no problem with the other tract and Mr. Boguskie assumed that a permit can be issued for it. It was also pointed out that this property had never been recorded.

There was a lengthy discussion concerning this item and the Board told Mr. Boguskie that they do not have the authority to make the Building Commissioner issue permits in this instance and no action was taken.

Item IV was a request by J.T. Patterson, represented by Tom Ragsdale, for an interpretation of the Residential Cluster zoning as it relates to the Temple Hills Country Club Estates. Before Mr. Ragsdale gave this presentation, Mrs. Moyer stated that she would like to have the issues defined that are being addressed so they will know the questions they are seeking to answer and be sure that everything that is being addressed tonight is limited to those issues because there are a lot of things that have transpired between the County and Temple Hills.

Mr. Ragsdale explained the issues to the Board members. The first issue was which regulations Temple Hills actually fall under — the 1973 zoning regulations or the 1977 zoning regulations. Second, the portion within the zoning regulations that discusses analysis of slope, (page 27 -- both sets of regs), Mr. Ragsdale wanted to discuss how this is computed. The third issue was dealing with the 18.5 acres of land that was taken by the State and

Federal Government. Mr. Ragsdale requested that the Board take these issues one at a time so there will be no confusion.

Mr. Ragsdale presented excerpts from "The County Plan" to each Board member (see enclosure). He explained that he had taken the liberty of underlining areas that he feels pertinent and how they relate to Temple Hills and how the plan relates to zoning. The first element is on page eleven (11) of the 1973 plan. The portion concerning High Density was broken down into short simple statements by Mr. Ragsdale and it states: "High density should be in the northern part of the County, where the county services, such as water and sewer, are available and economically made available."

On page 14 the portion concerning water and sewer were underlined which states: "Site for sewage treatment should be located at points where such systems can tie into regional systems."

Mr. Ragsdale stated that Temple Hills is located off Sneed Road and has been tied into a regional system which is the Harpeth Valley system. To give an idea of how expensive that was, in 1974 there was a half million dollars spent on water and sewer lines that ran from Temple Hills to Highway 100 where pump stations were put in to beef up the water lines in that area. The plan goes on to encourage developers to install self contained sewerage treatment facilities in developments where such systems are feasible.

The next area for discussion was on page 12 concerning cluster housing and condominiums and Mr. Ragsdale pointed out that it discusses the varied life styles of dif-

ferent individuals and what they would like to have as far as imaginative planning, but it also points out that providing county services are more economical, and allow for the preservation of historic and scenic sites and recreational facilities and there should, of course, be minimum open space requirements in such developments. Again, Mr. Ragsdale wanted to point out that Temple Hills has all the services that can be required and are required and do exist in the development and have dedicated through an easement to the County a minimum of 245 acres that was done prior to recording of the first plat in 1973.

On page 16 under Fire Protection Mr. Ragsdale said that it simply states: "The County should negotiate with municipalities having fire departments and private fire departments for those departments to serve residents in outlying areas." Mr. Ragsdale stated that they have fire plugs well above the state and county requirements, they have lines well above those sized. He said that Temple Hills has two types of fire plugs, one is 2½ blow-offs which can be used by fire service on certain occasions and they have a standard large type in the latest section.

On page 18 it talks about Electrical Wiring and the ordinance states: "To improve the scenic quality of subdivisions, all electrical wiring and telephone lines should be laid underground." Mr. Ragsdale stated that this has been done also and that obviously this amounts to a great deal of money. He also pointed out that the county plan and the zoning ordinance are side by side and that the zoning ordinance should be used to accomplish what the plan is looking for.

Mr. Ragsdale reported that in the case of Temple Hills, the cluster residential zone that the County Court

created, required the majority of all the elements which have been stated in the plan and within these elements they were required sewers, water lines, street requirements, etc., and Temple Hills was approved, River Rest was approved, Cottonwood was approved and many more were approved under different zones, but with these particular guidelines.

Mr. Ragsdale reported that he had been before the planning commission (Oct. 2, 1980) and asked that the preliminary sketch plan be approved so that they could continue to develop Temple Hills, but they ran into several problems. A series of different letters and minutes were compiled by Mr. Ragsdale (see enclosed). The first minutes were May 1973 and Mr. Ragsdale reported that basically the Planning Commission approved the initial sketch plan of Temple Hills under 1973 regulations that existed at that time. The next item is the staff report which basically reviewed what happened at the Planning Commission meeting that night. It states that the Planning Commission approved a revised plat, saying there was reserved land for future development of condominiums and other uses and definite provisions for density, and continues to say that preliminary approval was granted.

On November 26, 1976, Mr. Ragsdale reported that Mr. Jim Patterson asked him to write a letter as to what existed at the time, and the enclosed letter stated that the preliminary was approved and on file in the planning office.

On March 22, 1978 a letter was sent to Mr. Ragsdale from Leon Stanford requesting how many times the Plan-

ning Commission had approved or dealt with the plan. (see enclosed letter).

The next enclosure was a letter to Mr. Joe Hunt, who had requested the total dwelling units and how many acres was in Temple Hills.

Mr. Ragsdale explained that in 1979 he came to Mr. Stein and the Planning Commission and they were working on an acquisition and development grant from HUD, and to get federal funding you have to go through the A-95 process. Mr. Ragsdale reported that their plan was submitted to Mr. Stein and the Planning Commission and the response was that this development is in conformance with the Williamson County Plan adopted in 1973 (see enclosed letter to Mid-Cumberland Council of Governments from Mr. Stein). Mr. Ragsdale noted that the date of this letter was June 7, 1979 and the point that he wanted to emphasize in this particular letter was that the Planning Commission and Mr. Stein approved Temple Hills in conformance with the plan adopted in 1973.

Mr. Ragsdale had asked Mr. Bob Martin (County Planner in 1973-74) to write a letter in reviewing what he remembered as planner at the time. (see enclosed.)

Also enclosed is a petition dated September 30, 1980, signed by the Planning Commission members during 1973 which were John Moran, chairman, Vance Little, Harry Sanders, Thomas Helm and Jim Crawford. This petition stated that Temple Hills Country Club Estates was approved by the Commission on May 3, 1973.

Mr. Ragsdale explained that in 1973 the Planning Commission adopted cluster zoning and Temple Hills was

the first to be adopted under that zoning and it was approved time and time again all the way up to 1979. In 1977 the County Court and the Planning Commission established a new zone and they changed the name of cluster development to open space residential. He explained how this was done and asked the Board members to turn to pages 48 and 49 of the zoning code. What they tried to do was block all the zones that existed at that time that were on the map. Mr. Ragsdale explained that the problem during that time period was that the cluster was so new that it was not handled right when it was first put on the map. The board members were asked to look at page 47 Zoning District Identification and page 49 Key to interpret the old zoning item numbers to new zoning item numbers. (enclosed). Mr. Ragsdale showed one of the original zoning maps and explained that cluster was an add-on and it just shows the areas in blocks. On page 49 numbers 57, 58, 59 and 60 have blanks beside them and Tom explained that they tried to pay special attention to the fact that this had happened.

Mr. Ragsdale stated that the Planning Commission and the County Court took no action what-so-ever to adjust the Temple Hills design during this time period and on page 29 of the zoning ordinance it states:

12. *Application* — This provision shall apply to all zones in which residential uses are permitted as designated and defined by this Zoning Resolution. Provided, however, every open space residential development shall be approved by the Williamson County Quarterly Court.

Mr. Ragsdale stated that the County Court (May 1977) did approve those four zones; it did approve Temple

Hills by reference to number, book and page; and that the open space residential development was approved by the County Court as it was designed under 1973 regulations. Also, the Planning Commission knew they were having problems with zones when they adopted the zoning resolution and map.

The Board members were asked to look on page 1 Article II — *Non-Conforming Uses* which states: 1. *Purpose* — With the adoption of this Zoning Resolution and Zoning Map there will be non-conforming uses within the various zones in Williamson County. It is the intent of this Section to permit the continuance of such non-conforming uses, at the same time limiting their enlargement and prohibiting their re-establishment after their discontinuance.

In Mr. Ragsdale's opinion based on page 20 section 12, page 47, maps at that time and the present time that have been shown tonight and the provision on page 1, Temple Hills is in fact a non-conforming use and it comes under the 1973 regulations because the County Court knew that Temple Hills existed before other clusters existed and accepted them by reference and therefore fall under the 1973 regulations. Also, Mr. Ragsdale pointed out that after 1977 when the ordinance was passed, Temple Hills was renewed twice in 1977 and 1978 under the 1973 regulations.

Mrs. Moyer asked under the adoption of the 1977 zoning ordinance by the County Court, how was this accomplished and how does Temple Hills fit in?

Mr. Ragsdale responded that they did not want to reconstruct a new map at that time, so they established the

difference and then adjusted the numbers. He explained that the number at the bottom of the map lets you research the items.

Assuming there is a boundary problem, you go by this item right back to the description. In the case of restrictive covenants, our deeds are recorded, our open space is recorded and in this case the only thing we had to tie this into it was the restrictive covenants we had at the time, because the plats were on file.

Mr. Stein asked if the number of lots were in the restrictive covenants. Mr. Ragsdale stated that the number of lots were on the plat but were not indicated in the restrictive covenants.

Mr. Ragsdale read a letter dated June 19, 1973 from I. Vance Berry to Mr. Callicott which said: "It has occurred to me after our discussions Tuesday morning that the records in the office of the County Clerk in Franklin, should perhaps include, as in your records now, a copy of the Temple Hills Preliminary Plan which was approved by the Williamson County Planning Commission at its May 3 meeting. You will recall that the plan was filed at that time, but apparently was taken away by the State Engineer. In order to document the fact of filing, it is my thought that the plan itself should appear both in your files and in the duplicate records maintained in the Clerk's office. With this thought in mind, I hand you two additional copies of the Preliminary Plan, with the request that you, as Secretary of the Commission, transmit at least one of these to the Clerk to be lodged with his copy of the minutes of the meeting. I shall greatly appreciate your other kindnesses and courtesies to me in this entire transaction."

Mr. Ragsdale reported that on research in the County Clerk's office there is no record of this and the only record he knew of other than the Planning Commission record is the actual adoption of the ordinance, which by record, relates directly to Temple Hills and all other clusters, in this case 10, 210, 219, 64 and 47, which were keyed so a description of every piece of property would not have to be given at that time. On the map that was printed in the newspaper it showed this very map with each number identifying each cluster. Mr. Ragsdale stated that what he is saying is, by records, the Planning Commission had this at their disposal, the County Clerk had it and the County Court knew exactly what they were doing in 1977. In fact it was brought before the County Court twice and was reviewed in great detail.

Mrs. Moyer asked what the map with the number on it was supposed to indicate. Mr. Ragsdale explained that you go to the map (whatever number it is) and you go to the index file to find out what it is, what book it is located in and on what page it is located. Mrs. Moyer asked how would the map that was adopted with the number on it relate to Temple Hills coming under the 1973 regulations or the 1977 regulations. Tom stated that in this case, as shown on the map, Temple Hills was not numbered at all. What happened was it was numbered and indicated it was an open space residential development. On page 29 it says, "every open space residential development shall be approved by the Williamson County Quarterly Court." Tom explained that Temple Hills was approved as it was, with no changes, under the old regulations. He then pointed out that on page 1 it says there will be non-conforming uses within the various zones in Williamson County. It

is the intent of this section to permit the continuance of such non-conforming uses, at the same time limiting their enlargement and prohibiting their re-establishment after their discontinuance. Mrs. (sic) Ragsdale pointed out that the County Court knew there would be non-conforming uses and that is why these provisions were put in, to protect the vested rights of the individuals that already had gotten approval at that time.

Mr. Crawford, county attorney, asked if that was the intent, why wasn't it specifically stated, rather than as Mr. Ragsdale suggested in his argument that it was done by omission—why not spell it out? Tom stated that none of the other zones were done that way, they were all done by omission. Mr. Sanders told the Board that the whole County had been done that way, there were non-conforming uses all over the county and this was the reason it was put in there. He also said that he was familiar with everything and sees no error in anything Tom has said, and that this regulation covers it. He said that he sees no reason to write in that Temple Hills or Earlys Honey Stand or Ben Garys or any of the others that were non-conforming uses were included in this. All non-conforming uses were included at the time of approval and are covered by this.

Mr. Stein pointed out that on page 2 under the non-conforming uses *Provisions for the Continuing*—it states: "The adoption of this zoning resolution and zoning map by the Williamson County Quarterly Court shall in no way be deemed to prohibit the continuance and non-conforming use of a structure or land within any zone, provided, however, such continuance shall be subject to the

following limitations." Mr. Stein said it further states: "*Limitation on Expansion*—Any structure being used for a non-conforming use may not be enlarged by more, than twenty-five percent (25%) of its floor space or area within which the non-conforming use is carried on at the enactment of this zoning resolution. This provision shall not be construed as prohibiting ordinary repairs and maintenance."

Mrs. Moyer said that she felt that none of these limitations are applicable and that she is missing the point of why this was brought up.

Mr. Stein stated that the point is that the intent of this section is to permit the continuance of such non-conforming uses; and at the same time limiting their enlargement and prohibiting their enlargement and prohibiting their re-establishment after their discontinuance. Then the ordinance gives the Provisions for Continuing and none of these provisions are in there.

Mrs. Moyer asked if there was any problem with the information presented about the Planning Commissions approval in 1973. Mr. Stein stated that there were some questions because of notes on the plat, which read:

"Allowable Dwelling Units for Total Development" 763

"Allowable Dwelling Units Exclusive of Reserved
Parcels" 597

"Allowable Dwelling Units Presented this Initial
Sketch Plan" 469

"Allowable Dwelling Units for Future Develop-
ment" 267

"Parcels with note: This parcel not to be developed until approved by Planning Commission not a part of this plat and not included in gross area."

Mr. Stein said that under the code in both the 1973 and 1977 code it says very clearly what a preliminary sketch plan would require: "A preliminary site of a scale of one inch to one hundred feet must be submitted to the Williamson County Regional Planning Commission. The preliminary site plan shall provide the following information: boundaries and acreage to the site, number of dwelling units of basic designs, arrangement of streets, structures and lots. Mr. Stein said that the point is that this site plan, which is required, in 1977 could not have been approved by the County Court because the site plan very specifically says that arrangements of streets, structures and lots, only 469 lots and 38 condominium units were presented in 1977, this was the only thing on file at that time and in Mr. Stein's opinion that is the only thing the County Court approved. Mr. Stein stated that yes, he admits it was zoned open space residential but, in 1973 all the regulations required was that the Planning Commission approve the site plan but it says in the present regulations that every open space residential development shall be approved by the Williamson County Quarterly Court. In other words they wanted to look at the site plan with said arrangements of streets, structures and lots. Mr. Ragsdale stated that they had that option, the Planning Commission had that option, at that time and they did in fact do that, and by approval by the majority of the County Court they enacted that resolution, that map and every plat and map that is in the planning commission office that is on that regulation is valid. Mr. Ragsdale stated that

they are not here to argue the number of units, or the number of acres, what he is saying is that Temple Hills comes under the 1973 regulations and the way the 1973 regulations evaluates and determines density. Mrs. Moyer stated that is why we are asking why the number of units were critical as far as the notes, does this mean that whatever changes were made to show the number of lots are going to have to meet the new subdivision regulations? Mort explained that from what he understands from talking to Mr. Brown, who was the designer, they had some problems and wanted to wait until the future to see how these problems could be settled.

Mrs. Moyer asked Mr. Ragsdale if he is asking for anything more than the 736 units that were approved in 1973? Tom told the Board no, he was not asking for anything more. Mrs. Moyer said that she sees no problems with expansion if he is not asking for anything more than what was approved in 1973.

Mrs. Petersen, secretary of the planning commission, came before the board and stated that the only thing she would like to disagree with was in the zoning ordinance where it talked about the page and number in 1977, the only thing that is in that book are open space and restrictive covenants, there is no map. Tom responded by saying that this is the reason he stated that the map is located in the files of the Planning Commission and that is why he read the letter from Mr. Berry to Mr. Callicott, they talked about the maps and they were given to Mr. Callicott but for some reason they were not recorded.

Mr. Stein said that the way he understands the non-conforming use, it refers to a use for instance, condominiums,

multi-family or any other business. Only 212 units out of the original 469 units that were originally approved, they have not even reached their full development to establish a basis for saying they are a non-conforming use. Mr. Stein said the point is the use is still there, what we are debating is the number of units that is actually going to be determined in this case. What we are saying in our argument is that because the developer has not established through a continuous development of the subdivision since 1973, and since the County Court had not changed the zoning law, the developers of Temple Hills had sufficient time to complete it before it was changed in 1977. The point that Mr. Stein made was that no action of the Planning Commission or the County Court caused the developers not to develop Temple Hills; they could have possibly submitted a plan as outlined very specifically in the code showing the streets and lots and gotten it approved at that point, but they did not submit a plan. The only plan that was approved was the 469 lots plus 38 condominiums, this was the only thing that was shown as designated by the code and the County Commission when they reviewed it in 1977. Mr. Stein said that he could not possibly see how they could take the position of being a non-conforming use. We are not saying for them to discontinue their use, we are saying yes you can use it as open space residential, all we are saying is that use has to follow the existing regulations.

Mr. Ragsdale stated that the use that exists is a residential cluster, the new zone is open space residential, which is a different zone. We were approved as a residential cluster, it is a use and is non-conforming, the provisions right here address it to that. We are not speaking

about the number of acres, we say we come under the 1973 zone and under this provision and we would like for the Board to rule on that.

Mr. Stein responded by saying that they are essentially the same zone and they essentially allow the same uses, the only change is the density requirements and the planning commission and County Court deemed it necessary to change it.

Mr. Ragsdale stated that they are tied into the 1973 regulations and they are not asking for anything else but follow the non-conforming use, item 12 of the regulations and the fact that we were approved in 1977, 1978 and 1979 and we were in good shape until 1980.

Mrs. Moyer stated that she can see both sides of the arguments and both have good basis but this is a very difficult decision.

Mr. Sanders pointed out that the question before the board at this time is - does this come under the 1973 regulations or the 1977 regulations.

Motion was made by Mr. Sanders that this plat comes under the 1973 regulations. Ed Jaggers seconded the motion; motion carried.

The next question discussed concerned the slopes in the Temple Hills Subdivision. Mr. Ragsdale reported that in 1973 the sketch plat was submitted to the Planning Commission on a 1/200 scale and it has contour intervals of 20 feet. Also submitted at that time was the plan on a 1/100 scale at 2 foot contours. There is a question of grades in the Temple Hills Subdivision and Mr. Ragsdale said when he met with Mr. Stein and the County Engineer there was a very big problem of how you compute grades. Mr. Rags-

dale stated that the Planning Commission knew what grades were existing at the time, which were computed by the average slope method from the top of the hill to the bottom and take the difference in elevation and divide it by the distance. Mr. Ragsdale said that he contacted several different people to see how they would calculate these slopes. He talked to Mr. Ron Cooper, State Planner, and he indicated he uses the average slope method but he added several things such as drainage configuration. Mr. Stein stated that there probably wouldn't be a hill in Williamson County that would be greater than 25% slope if that technique was used. Mr. Stein talked to Mr. Lyle Brown, the original designer of the development, and he told Mr. Stein that they did have problems with slopes. The County Engineer calculated the slopes over 25% and there were between 80 and 90 acres that were over 25% and Mr. Brown said that this sounded about right.

Mrs. Moyer asked if the Board is supposed to determine which engineering technique is to be used. Mr. Crawford stated that it was his opinion that this Board does not interpret the Zoning Code based on the kind of request it has had.

Motion was made by Mr. Jaggers for the definition of the slope be defined in percentage as the length of the lot divided into the rise of the lot and will not exceed 25%. Motion was seconded by Harry Sanders. Motion carried with a vote of 3-2.

Mr. Ragsdale explained that this development started with 676 acres and the Federal Government took 18.5 acres of land, which is not part of the road way but will be a park area. The Planning Commission told the developer that they had to pull this 18.5 acres out of the subdivision

but the developers contend that this follows the regulations as open space and is not required to be deeded to anyone and that it should be left in the total concept of Temple Hills.

Mr. Stein reported that the owners of the property (The Natchez Trace Parkway) has not asked for it to be included. Also the Parkway has not told the Planning Commission what this land will be used for and has not assured the Planning Commission that the land shall be used permanently as open space as required by the zoning code. The Planning Commission has not approved this acreage for open space as required and also the developer went to court and received a fair compensation for this land using the fact that he would lose lots after the property was taken by the Parkway. Mr. Ragsdale responded by saying this was not evaluated on lot basis and that the Planning Commission was aware of the use of that land for the future and this falls under the regulations and uses of the 1973 zoning ordinance. The developer feels that this is legal to be under the open space and should not be taken out of the original 676 acres and they would like for the Board to rule on this.

Mrs. Moyer stated that she cannot see why this was brought before the Board since the Planning Commission has not approved the Natchez Trace Parkway and the owners of the parkway have not requested anything. There was no action taken by the Board on this matter.

There being no further business to come before the Board the meeting was adjourned.

Respectfully submitted,
Gayle Moyer, Secretary

APPROVED:

DATE: April 7, 1981

THE PLAN
WILLIAMSON COUNTY TENNESSEE

Vol. 5

1973

CHAPTER V
RESIDENTIAL AND URBAN DEVELOPMENT
POLICY STATEMENT

Williamson County should allow for future residential development, such development being types as varied as the various life styles of the residents would require. This residential development should integrate, in an orderly manner, urban and suburban growth into the rural character of the County, retaining insofar as possible the basic identity of Williamson County. Urbanization should be controlled and population growth balanced with commercial and industrial development to provide a sound tax base for the County. Illustration 25 indicates the 1990 Land use and Major Thoroughfare Plan for Williamson County.

Land Suitability. Generally, residential development should be limited in areas of steep slopes, and prohibited in flood plains and other areas where the land is unsuitable for development. Preserving open space and the natural character of the land should be the guiding principles in all forms of residential development.

Density. There should be various levels of density of residential development in Williamson County. Generally, higher density development should be in the northern part of the County, where there is natural "spill-over" from Nashville, and near present concentrations of population in the County. High density development should be

located in those areas where County services, such as water and sewers, are available or can be economically made available.

Subdivisions. Further subdividing of land in Williamson County should be permitted, with such subdivisions being designed to be aesthetically pleasing and compatible with surrounding areas. Lot shapes and sizes should be varied and designed to leave the land and trees in their natural states.

Multi-family housing. Realizing that multi-family housing units provide a life style desired by many people, Williamson County zoning laws should permit such developments. However, apartments and mobile homes should be discouraged. Condominiums, because of their permanency, are preferable to apartments. Within multi-family developments there should be minimum open space requirements.

Cluster housing. The cluster concept of residential development should be encouraged since it provides a life style desired by many people. At the same time cluster developments provide opportunities for imaginative planning, make providing county services more economical, and allow for the preservation of historic and scenic sites and recreational facilities. There should, of course, be minimum open space requirements in such developments.

Planned Unit Development. The planned units development is a step beyond the cluster concept. It too is a desirable form of development from the economical and ecological standpoints. It is economical in respect to pro-

viding County services, and the concept is predicated on the idea of preserving open space. Further, the planned unit development is desirable because it integrates community facilities into the development with the convenience of the residents as the basic concept. All such projects should be approved by the County Court.

Minimum Lot Sizes. In residential zones in the County where there are no devlopment restraints because of land capability, the minimum lot size should be three-fourths acre in areas served by sewers and . . .

PAGE 13 MISSING

CHAPTER VI PUBLIC FACILITIES POLICY STATEMENT

Recognizing that Williamson County is obligated to provide public facilities for its residents, the Planning Commission feels that such facilities should be designed to best serve the needs of the residents at the least cost to the County.

Water and Sewers. Utility districts should be formed throughout the County with logical geographic boundaries, taking into consideration sources of water and gravitational flow systems for sewers. Sites for sewerage systems should be located at points where such systems can tie in with regional sewer systems, one such possible location being Nolensville where sewers could follow Mill Creek and intersects with Metro's sewer system. Further, all sources of funding, including private capital and Federal funds, should be investigated in the establishment of

such utility districts. The ultimate goal is that as many residents of the County as possible have access to a public supply of water and that where there is a public supply of water there should also be a *public sewer system*. Further, developers should be encouraged to install self contained sewerage treatment facilities in developments where such systems are feasible.

Schools. Specific sites for schools should be located in areas of rapid population growth, such sites being large enough to accommodate future school population growth. Such sites should be selected in conjunction with current educational policies and philosophies of the Williamson County Board of Education and the Tennessee State Board of Education. Generally, elementary and junior high schools should be . . .

PAGE 15 MISSING

Fire Protection. Fire protection service should be available to all Williamson Countians. The County should negotiate with municipalities having fire departments and private fire departments for those departments to serve residents in outlying areas.

Telephones. Williamson County should be served by adequate telephone service. There should be toll free service between all exchanges in Williamson County and also toll free service in Nashville.

Airport. Population growth and industrial expansion will increase the demand for air service in Williamson County. An airport should be located near concentrations of industrial sites, at the same time being as far as possible from population concentrations.

Park. There should be a major recreational area in Williamson County in the form of a public park. Such a park should be located in Williamson County near such spots as large water impoundments, the Franklin Battle-field or the Natchez Trace.

Places of Assembly. There should be provided for residents of Williamson County community centers where people might gather for the purpose of holding meetings of various clubs and civic groups in the County. At the present time in Williamson County there are several community centers which are, for the most part, abandoned schools. Such centers are used as places of assembly for groups within the communities. Many such centers technically still come under the jurisdiction of the Williamson County Board of Education. Where possible, titles to these centers should be officially vested in the County, and the County should contribute to the upkeep and maintenance of these centers. A study should be conducted to investigate the possibility of acquiring additional land adjacent to such centers for public parks and recreational areas.

PAGE 17 MISSING

Stone Fences. The many stone fences in Williamson County should be protected from decay and destruction.

Phosphate Mining. Miners of phosphate should be required to reclaim and recontour the land to its former state insofar as possible. Phosphate mining should be prohibited within 300 feet of all streams in the County.

Quarrying. Recognizing that limestone is one of Williamson County's chief natural resources and that there

is an increasing demand for limestone products, quarrying should be permitted in the County, but quarries should be closely regulated to reduce noxious discharges, and they should be located away from population concentrations.

Driveways on Highways. In order to promote safety on highways and connector roads, minimum lot widths on arterial highways should be 200 feet.

Electrical Wiring. To improve the scenic quality of subdivisions, all electrical wiring and telephone lines should be laid underground.

Mobile Homes. Recognizing that mobile homes provide a life style desired by many people, such facilities should be allowed in Williamson County. However, mobile homes should be closely regulated and prohibited in all areas other than the agricultural zone and specially zoned mobile home parks.

Mr. Lytle Brown, Engineer for the owners and developer of Temple Hills County Club Estates, a Cluster Development, presented for approval of the Commission a revised initial sketch of said development. Mr. Brown stated that he had met on several occasions with representatives of objecting residents of the area and several significant changes had been made in the plat as originally presented. These changes were explained by him and by Mr. Robert Martin and Mr. Martin expressed approval of the sketch. Mr. Brown stated that some reduction in the number of lots had been made but conceded that there was still a violation of the density provisions of the regulations as construed by the Secretary but no violation as said regulations had been construed by Mr. Robert Moran, and no

violation as construed by a formula which had been submitted by Mr. Vance Little.

Mr. Callicott commended Mr. Lytle Brown for the significant improvement in the plat. Mr. Robert Moran also expressed pleasure that the plat had been vastly improved and noted that the people in the immediate vicinity of the development were apparently reasonably well satisfied with what had been worked out. Mr. Robert Moran then moved to approve said revised initial sketch. The motion was seconded by Mr. John Moran and was passed by unanimous vote except for two abstentions, those abstainers being Mr. Westbrook and Mr. Callicott.

Comment: The development, located in the Tenth Civil District and containing 31 lots in 45.91 acres, has the necessary water lines installed and preliminary grading has been initiated. Preliminary and final approval was granted subject to submission of a bond for completion of required improvements.

Item 6: A portion of the bond on Montpier Subdivision, Sections I, II, and III in the amount of \$10,000 was asked to be released.

Comment: Following discussion, the bond in the amount so indicated was released.

Item 7: A local farmer, Hal Hurd, appeared before the Commission asking that he be allowed to cure hams on his property for resale.

Comment: It was pointed out that the proposed business is in an agricultural zone and that he would raise his own animals, transport them for slaughter, and cure portions of the animals on his property for wholesale distribution

to hotels and the like. The Commission members ascertained that the land use is permissible in the zone.

Item 8: Rezoning request on Nolensville from Agricultural to Commercial was submitted to the Commission.

Comment: Staff presented a land use map depicting the agricultural nature of the area and noted that such a rezoning would constitute spot zoning, that the proposed 1990 land use map recommends a business cluster in Nolensville, and that such a business use would constitute a traffic hazard on the two lane highway which has a speed limit of 65 mph. The Commission voted to recommend the zoning change, however, the Commission will wait until the June meeting and recommend rezoning of a larger area along the highway which will encourage strip development in the area.

Item 9: Harpeth River Estates, Section II, was submitted to the Commission for final approval.

Comment: The development, located in the Sixth Civil District and containing 7 lots in 10.57 acres was granted final approval subject to the submission of a bond for required improvements.

Item 10: A policy on submitting bonds in lieu of required improvements was discussed.

Comment: It was decided that Mr. Joe Bowman, County Building Inspector, should be contacted well in advance of the meeting at which final approval is to be considered in order that he may work with the developer and others on setting the amount of the bond which should then be submitted to the Secretary either before the meeting or at the time action on the development is taken.

Item 11: A revised preliminary plat of Temple Hills, Country Club Estates, a cluster development, was presented for preliminary approval.

Comment: The revised plat indicated no lots fronting Sneed or Temple Roads, less lots than the previous plat, reserved land for future development for condominiums and other uses, and definite density provisions. Citizens in opposition to the original plan said that they had seen revised plans but not the particular plan being reviewed. Since no opposition was voiced against the plat, preliminary approval was granted.

Item 12: Royal Oaks Subdivision was presented for consideration of revision of preliminary approval.

Comment: The plat indicates that lots on proposed cul-de-sacs would have double frontage as Liberty Pike would adjoin the lots to the rear. It was recommended that deed restrictions be incorporated to prevent driveway access onto Liberty Pike. The plat was granted preliminary approval.

Item 13: Montpier Farms, Section V, was submitted for renewal of preliminary approval and final approval.

Comments: Staff noted that only some preliminary grading had been started on roadway, however, it appeared that all water lines had been installed. The development, located in the Sixth Civil District and containing 55 lots in 121.5 acres, was granted a renewal of preliminary approval and final approval subject to all required signatures on the final plat and the submission of a performance bond for necessary improvements.

Item 14: A proposed motel development in an Interchange Business Zone located on Highway 96 and Interstate 65 across the highway from the Holiday Inn, was

presented to the Commission for approval as stipulated in the Zoning Ordinance.

Comment: The proposed development, meeting all requirements of the Zoning Ordinance, was granted approval.

Item 15: Redwing Subdivision, Section III, was presented for preliminary approval.

Comment: A drainage plan was presented as requested to assist the Commission in understanding how surface runoff would be removed from the area. The development, located in the Tenth Civil District and containing 35 lots in 33.5 acres was granted preliminary approval subject to adequate provisions for drainage.

Item 16: Illegal subdivision development within the County was discussed.

Comment: Staff and county attorney are to look into the matter on what can be done and report at a future meeting.

Item 17: Oakwood Estates Subdivision was presented for renewal of preliminary approval.

Comment: Renewal of preliminary approval was granted. There being no further business, the meeting adjourned at 10:35 p.m.

November 26, 1976

Mr. James Patterson
Temple Road
Nashville, Tennessee 37221

Re: Number of units allowed in
Temple Hills Country Club Estates

Dear Mr. Patterson:

The preliminary plat of Temple Hills Country Club Estates on file in our office indicates that 736 housing units have been approved by the Planning Commission.

Our files also indicate that no action has been taken on this over-all preliminary plat since the summer of 1975.

I hope the information provided above is sufficient. If I can be of further service, please call on me.

Respectfully yours,

Tom Ragsdale
Williamson County Planner

TR:cf

March 22, 1978

Mr. Leon Stanford
Stanford and Associates
1650 Columbia Pike
Franklin, TN 37664

Dear Leon:

RE: Temple Hills

Our files indicate the below listed dates relating to Planning Commission action on Temple Hills.

2- 1-73	Initial sketch plat approved
5- 3-73	Revised initial sketch plat approved
6- 7-73	Final approval, section I
1-17-74	Final approval, section II
6- 6-74	Revised preliminary plat, Revised final plat, section I
8-15-74	Final approval, section III
2- 6-75	Revised final, section II, phase I
6-19-75	Revised preliminary approval
8-18-77	Revised final plat, section I

Sincerely yours,

Tom Ragsdale
Williamson County Planner

JTR/veb

July 19, 1979	? Renewal PP
Aug. 16, 1979	Renewal PP

June 16, 1978

Joe Hart & Company

Dear Sir:

As approved on preliminary, Temple Hills Country Club Estates consists of 676 acres with a total of 736 dwelling units to be built in the future. As shown on the plat, the areas marked "This parcel not to be developed until approval by the Planning Commission" is included in the total 736 units.

Cordially yours,
 Tom Ragsdale
 Williamson County Planner

JTR/veb

TO: Mid-Cumberland Council of Government and Development District

FROM: Morton Stein, Williamson County Planner

DATE: June 7, 1979

SUBJECT: A-95 Review of Temple Hills Preapplication Analysis and Mortgage Insurance 70-574

The Temple Hills Country Club Estates Subdivision is an approved subdivision. Their preliminary plat will be considered for renewal in July. The property under consideration is zoned for Open Space Residential Development and the intended use and the development are in conformance with this zone. This development is in conformance with the Williamson County Plan adopted in 1973.

The Williamson County Planning Commission has discussed and reviewed this subdivision on several occasions and wanted the following comments concerning the prog-

ress of development and the concern of the residents of the subdivision conveyed to HUD for their review.

(A) There have been problems concerning the installation of improvements in the past and there have been several complaints from residents concerning the condition of the roads.

(B) There has been concern expressed by residents of the subdivision concerning changes in the covenants and in the "open space" areas.

(C) It should be noted that the "open space" area is a Country Club/Golf Course that is a privately owned club.

September 29, 1980

505 Fair Street
 Franklin, Tennessee 37064
 Mr. J. T. Ragsdale, M. S. P.
 Box 189
 Bellevue, Tennessee 37221

In re: Temple Hills Country Club Estates
 Dear Tom:

I was a principal planner with the Tennessee State Planning Office, Local Planning Division, Middle Tennessee Section, from February, 1973 through August, 1974. Williamson County was one of my contract areas for this entire time period.

One of my responsibilities was to make recommendations on agenda items presented to the Williamson County Regional Planning Commission. Temple Hills Country Club Estates was presented as one of those items, which actually began before I commenced working with the Commission. I worked on the sketch plan with the engineer on the project, Mr. Lytle Brown. Mr. Brown and I eventually agreed that 736 dwelling units would be permitted on 676

acres. I also recommended that Mr. Brown place the dwelling unit figure on the sketch plan. As final plats were presented to the Commission and approved, the approved lots would be subtracted from the total dwelling unit figure. This would eliminate any disagreement in the future as to the number of dwelling units remaining to be approved. To the best of my knowledge, Mr. Brown told the Commission that it would be anticipated that the project would contain an undetermined number of multiple family dwelling units, which, of course, would not exceed the remaining permitted total dwelling units. He said that he would rather have the Commission consider the specific multiple family dwelling unit sites as the planning for the project progressed. The Commission approved the sketch plan on May 3, 1973.

When I may be of further assistance, please call on me.

Sincerely,

/s/ Bob Martin
City Planner
RM/rm



Williamson County Regional Planning Comm.
Williamson County Courthouse
Franklin Tn 37064

Dear Mr. Chairman:

We the undersigned members of the 1973 Williamson County Planning Commission, desire to set the records straight concerning the approval of Temple Hills Country Club Estates. On May 3, 1973, Temple Hills Country Club Estates was approved by the Commission. The development consisted of 676 acres and was approved for 736 dwelling units. At the time of approval this development met all county requirements.

/s/ (Signatures Illegible)

ARTICLE I TITLE AND PURPOSE

This Zoning Resolution is passed pursuant to enabling legislation contained in Tennessee Code Annotated, Sections 13-401 through 13-416. Its purpose and welfare of the present and future inhabitants and property owners of Williamson County. Specific objectives include lessening congestion on the County's roads and reducing wastes of excessive amount of roads; securing safety from fire and other dangers; promoting the availability of adequate light and air; preventing, on the one hand, excessive concentrations of population and, on the other hand, excessive and wasteful scattering of population, preserving, protecting and enhancing scenic and aesthetic values, promoting a distribution of population and classification of land uses and distribution of land development and utilization that will tend to facilitate and conserve adequate provisions for transportation, water flow and supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and non-urban development.

The zones as hereinafter named and designated are hereby created and Williamson County is hereby divided into zones as shown on the zoning map attached hereto, which map with explanatory matter thereon is adopted and made a part of this resolution and is filed with the County Register.

This Resolution shall be known as the ZONING RESOLUTION OF WILLIAMSON COUNTY, TENNESSEE.

ARTICLE II NON-CONFORMING USES

1. *Purpose*—With the adoption of this Zoning Resolution and Zoning Map there will be non-conforming

uses within the various zones in Williamson County. It is the intent of this Section to permit the continuance of such non-conforming uses, at the same time limiting their enlargement and prohibiting their re-establishment after their discontinuance.

2. *Provision for the Continuing*—The adoption of this Zoning Resolution and the Zoning Map by the Williamson County Quarterly Court shall in no way be deemed to prohibit the continuance and non-conforming use of a structure or land within any Zone: provided, however, such continuance shall be subject to the following limitations.
3. *Limitation on Expansion*—Any structure being used for a non-conforming use may not be enlarged by more than twenty-five percent (25%) of its floor space or area within which the non-conforming use is carried on at the enactment of this Zoning Resolution. This provision shall not be construed as prohibiting ordinary repairs and maintenance.
4. *Prohibition Against Re-Establishment*—If a structure or land area should cease to be used for a non-conforming use for a period of three (3) years, such non-conforming use shall not be re-established after the expiration of that three (3) years.
5. *Partial Destruction*—If a structure being used for a non-conforming use should be destroyed, or partially destroyed to the extent of seventy-five (75) percent or more of its fair market value and if such structure is not rebuilt within an eighteen (18) month period, said structure shall not be rebuilt, and the non-conforming use shall not under any condition be continued after such destruction or partial destruction.

6. *Non-Conforming Use of Land*—No non-conforming use of land may be enlarged to any extent so as to occupy any more land than occupied at the adoption of this Zoning Resolution, and no such non-conforming use of land shall be moved in whole or part to any other land area.

ARTICLE III HOME OCCUPATIONS

1. *Purpose*—It is the purpose of this Section to permit within any zone where dwellings are permitted as an additional use the use of a dwelling for a business, such business being one which ordinarily might be carried on in a home, at the same time the dwelling retaining the primary character of a home.

Application—This provision shall apply to all zones in which residential uses are permitted as designated and defined by this Zoning Resolution. Provided, however, every open space residential development shall be approved by the Williamson County Quarterly Court.

ARTICLE XII AUTOMOBILE STORAGE

1. *Purpose*—The purpose of this section of the Zoning Resolution of Williamson County is to insure that every lot in Williamson County provides adequate parking for the use being carried on the lot.
2. *Minimum Standards*—Automobile storage facilities shall be provided on all lots in Williamson County.

The parking area shall be in accordance with the following minimum standards:

- a. *Amusement Places*—One (1) parking space for each employee, plus one (1) parking space for each three (3) patron seats.
 - b. *Apartments*—Two (2) parking spaces for each dwelling unit.
 - c. *Churches*—One (1) parking space for every five (5) seats.
 - d. *Dining Places*—One (1) parking space for each employee, plus one (1) parking space for each two (2) patron seats.
 - e. *Dwelling*—Two (2) parking spaces for each dwelling unit.
 - f. *Funeral Home*—One (1) parking space for each five (5) seats, or, in case of no fixed seats, one (1) parking space for every fifty (50) square feet of chapel space.
 - g. *Hospitals*—One parking space for each four (4) beds, plus one (1) parking space for each doctor and one (1) parking space for each nurse and other employee.
 - h. *Hotels and Motels*—One (1) parking space for each room, plus one (1) parking space for every two (2) employees.
3. *Appeals*—An appeal to the Board may be taken by a person aggrieved by a decision of the Building Commissioner based upon the provisions of this Resolution. The Board shall fix a reasonable time for the hearing on the appeal; give proper notice of a public hearing before the Board by publishing such notice in a newspaper or general circulation in Williamson County, Tennessee, at least ten (10) days prior to the date set for the public hearing. At the hearing, any person or party may appear and be heard in person, by agent, or by attorney.

4. *Powers*—The Board shall have the following powers and duties:

- a. To hear and decide appeals on any permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this Resolution; *and to interpret the Zoning map and this Resolution.*
- b. To hear and decide applications for special uses upon which the Board is specifically authorized to pass by the terms of this Resolution.
- c. To hear and decide applications for variances from the terms of this Resolution. Such variances shall be granted only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of adoption of this Resolution was a lot of record, or where by reason of exceptional topographic situations or conditions of a piece of property the strict application of the provisions of this Resolution would result in practical difficulties to or undue hardship upon the owner of such property. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Resolution. Before any variance is granted it shall be shown that special circumstances attached to the property do not generally apply to other properties in the neighborhood.
- d. The Board of Appeals shall also have the power to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

5. *Home Occupation*—An incidental occupation customarily carried on in the residence, utilizing no more than twenty-five (25) percent of the usable floor area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.
6. *Landscaping*—The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.
7. *Lot*—A piece, parcel, or plot of land in one (1) ownership, which may include one (1) or more lots of record, occupied or to be occupied by one or more principal structures and accessory structures and including the open spaces required under this ordinance.
 - a. *Lot Lines*—The boundaries dividing a given lot from the street, an alley, or adjacent lots.
 - b. *Lot of Record*—A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record.
8. *Nonconforming Use*—The use of a structure or of land that does not conform with the provisions of this ordinance for the district in which it is located.
9. *Shopping Center*—A group of compatible commercial establishments planned, developed, and managed as a

- unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shops to its trade area.
10. *Sign*—Any structure or part thereof or device attached thereto, painted on, or in any other manner represented on a building or other structure, which is used to announce, direct attention to, or advertise, and is visible from outside a building which displays any writing (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character. Any of the above characteristics constitutes a sign within a building only when illuminated and located in a window.

Key to interpret the old zoning item numbers to the new zoning item numbers.

ZONING DISTRICT IDENTIFICATION

Item No.	Zone	Minute Book	Page
1	C	—	—
2	C	6	456-459
3,4,5,6	C	7	91-92
7	C	7	308
8	C	7	320
9,10	I	7	302-303
11,12	C	8	10
13	I	8	10
14	PA	8	11
15,16	C	8	11
17,18	C	8	284-285
19,20,21	C	8	380-382
22	I	8	380-382
23	C	8	439-440
25	R	8	440
26	C	8	470
27	I	8	470
28	I	8	0505-0506
29, 30	C	8	0563-0564
31	C	8	0606-0607
32, 33	C	9	58-59
34, 35	R	9	59-60(?)
36, 37, 38	C	9	69-70
39	R	9	83
40	C	9	85-86
41, 42	PA	9	96-97
43	C	9	112
44	C	9	121
45	C	9	119-120
46	I	9	119-120
47	C	9	119-120
48	C	9	128
49, 50	C	9	130
51	C	9	141
52, 53	R	9	159-160
54	R	9	182-183
55	C	9	242
56	C	10	17 & 18
57	OSRD	210-219	64 & 274
58	OSRD	222	584
59	OSRD	244	749
60	OSRD	217	154 & 161

OLD/NEW	OLD/NEW
1/ 1	67/43
2/ 2	69/44
5/ 3	70/45
6/ 4	71/46
7/ 5	72/47
8/ 6	74/48
15/ 7	75/49
16/ 8	76/50
17/ 9	77/51
18/10	78A/52
22/11	79/53
23/12*	80/54
24/13*	83/55
25/14*	84/56
26/15*	-/57
27/16*	-/58
31/17	-/59
32/18	-/60
37/19	93/61
38/20	94/62
39/21	95/63
40/22	96/64
41/23	85/65
44/24	86/66
45/25	87/67
46/26	88/68
47/27	-/69
28/28	-/70
49/29	-/71
51/30	89/72
53/31	90/73
55/32	91/74
56/33	92/75
58/34	97/76
59/35	98/77
60/36	99/78
61/37	100/79
62/38	101/80
63/39	
64/40	
65/41	
66/42	

* Old and new items have been consolidated under new item 74.

AMBROSE PRINTING CO.
DON WADE

Tom Ragsdale:

- Issues;
 - 1. which regulations '73 or '77
 - 2. Slope analysis how computed
 - 2. 18.5 acre taken
-

County Plan Conformance

AMBROSE PRINTING CO.
DON WADE

- Open Space approved or laid out and designed in 1977.
- Temple Hills is non conforming
- Non Conforming
- Length or width of lot/rise of the lot.

APPLICATION TO
BOARD OF ZONING APPEALS

Appellant Patterson & Associates Address Temple Road

Owner Jim Patterson Address

Location of Property Sneed Road & Temple Road

(Street or road, Subdivision, lot number)

Size of Property 676 acres

Present Zoning Residential Cluster Civil District

Describe in detail what action you request from the board
of Zoning Appeals.

If a variance is sought, provide information relating to the peculiar or unusual conditions which justify a variance. If a special exception is sought, please give all details. If an interpretation is requested, provide all necessary facts. If additional space is necessary, please use back side of this form.

Request an interpretation of the Residential Cluster zoning as it relates to Temple Hills Country Club Estates. Are adjacent landowners aware of your request?

(Letters from adjacent landowners should be presented to the Board of Zoning Appeals at its meeting.)

/s/ Tom Ragsdale

DATE: Oct. 3, 1980

Date of hearing before Board:

Building Permit No. Date

Decision by the Board:

TOWER REAL ESTATE DEVELOPMENT CO.
RESIDENTIAL . COMMERCIAL . INDUSTRIAL

TELEPHONE 114 THIRD AVENUE, SOUTH
790-3700 FRANKLIN, TENNESSEE 37064

October 24, 1980

Mr. Mort Stein, County Planner
Williamson County Courthouse
Franklin, Tn 37064

Dear Mort:

Please place Tower Real Estate Development Company on the next Board of Zoning Appeals agenda for a request of a variance on all vacant lots in Oakwood Estates that are affected by the Residential A zone change requiring a one hundred-foot front setback. All building permits that have been issued previously have shown the

house on a fifty-foot setback, which is in compliance with the recorded plats.

In order to keep the houses consistent and to keep people in the future from having to look out their front doors into their neighbor's back door, we feel that a variance to a 50-foot setback, if it is necessary as you say, would be justified.

Please advise me as to the time and date of the meeting. Your cooperation is appreciated.

Sincerely,

/s/ Gerald
Gerald G. Bucy
Project Manager

GGB:hb

RECEIVED OCT. 24, 197(?) WMSON. CO. PLAN. COM.

M I N U T E S
BOARD OF ZONING APPEALS
OCTOBER 7, 1980

The Williamson County Board of Zoning Appeals met in regular session on October 7, 1980 at 7:30 p.m. in the Williamson County Courthouse. The following members were present: Gayle Moyer, Joey Davis, E. A. Jaggers and Pete Davis. Also present was staff representative Morton Stein.

The first item on the agenda was a request from Mrs. Maggie Kennedy, represented by Mary Rollins. Mrs. Rollins indicated that the 55 ft. x 10 ft. trailer would be placed on a lot which is basically a 1/2 acre lot. The plat of this property showed the dimensions of the lot to be 213 ft., road frontage x 132 ft. x 133 ft. x 172 ft. The Board was informed that the present house is only 24 ft. x 12 ft.

There was a lengthy discussion concerning a non-conforming use. Motion was then made by Gayle Moyer that based on the facts known by the Board and if the trailer is attached to the house, that no action is necessary by the Board as long as all setbacks can be met. Joey Davis seconded the motion; motion carried unanimously.

Mac Kelton, representing James Council, requested a variance of the front setback line on a lot of record on Sunny Side Court, Sunny Side Subdivision, lot #54. This house had been built over five years ago and has had several different owners. The Board was told that the front setback is 100 feet and only a small portion is outside the required setback. There was some discussion by the Board members concerning how the measurements had not been properly taken by the original surveyor. Motion was made by Gayle Moyer to grant a 49 ft. front setback variance. Ed Jaggers, seconded the motion; motion carried unanimously.

Mr. Stein raised the question as to whether the Board of Appeals had made an interpretation regarding trailers on permanent foundations. It was indicated that no specific interpretation had been made by the Board. Mr. Stein advised that this would be forthcoming at the next meeting.

With no further business to come before the Board the meeting was adjourned.

Respectfully Submitted,
Gayle Moyer, Secretary

DATE:

APPROVED:

WILLIAMSON COUNTY PLANNING
COMMISSION
Public Square
Franklin, Tennessee 37064

October 9, 1980

Bernard Krowalsh
673 Sneed Road
Franklin, TN 37064

Dear Mr. Krowalsh:

In reference to your inquiry pertaining to a variance for the setback on Sneed Road, you need to apply for a variance to the Williamson County Board of Zoning Appeals. I am enclosing an application for you to fill out. You must send this application back to my office by October 24, 1980, to be heard at the next Board of Appeals meeting which will be held at 7:30 p.m. November 4, 1980 in the Circuit Courtroom of the Williamson County Courthouse.

Sincerely,

/s/ Morton Stein,
Williamson County Planner

MHS/vje

Enclosure

1283 Murfreesboro Road, Nashville, Tennessee 37217
615/361-3400

MAREMONT CORPORATION

Reply to:
P.O. Box 1488
Nashville, Tenn. 37202

December 23, 1980

Williamson County Planning Commission
Public Square
Franklin, Tennessee 37064

Attn: Mr. Morton Stein

Dear Mr. Stein:

The latter part of October, I provided the Commission with an application for variance to be made regarding the setback of my home. Since then, I have not heard anything and I am wondering what the result of my application was.

I did not attend the meeting on November 4, as your letter did not indicate that I needed to be there during the meeting. Would you please bring me up-to-date concerning my request.

Sincerely,

/s/ B. Krawulski
673 Sneed Road
Franklin, TN

BK/jp

Never got the variance. We will place you on February 3rd, 1981, agenda.

According to the state code, it appears that the developer does not have a right to appeal for an interpretation of the Zoning Board of Appeals unless he is refused a building permit. We will present further evidence of this at the meeting on the eleventh.

If you have any questions please notify Mort at his office.

MHS/vje

Enclosure

WILLIAMSON COUNTY PLANNING
COMMISSION
731 Columbia Ave.
Franklin, Tennessee 37064

TO: Board of Zoning Appeals
FROM: Morton Stein, County Planner and Mitchell Crawford, County Attorney
SUBJECT: Item on November 11, 1980 agenda concerning question of interpretation of the zoning ordinance for the Temple Hills development.
DATE: November 6, 1980

Enclosed is a report prepared by the County staff concerning the question of zoning interpretation of the Temple Hills development. We have addressed all the questions raised by the developer and ask that you review this information before Tuesday night.

Another question has been raised by the staff that concerns the developers standing before the Board of Appeals. Tennessee Code Annotated (TCA) in its designation of the powers of the Board of Appeals (TCA 13-409) states:

- “1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any ordinance enacted pursuant to this chapter.
2. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for *interpretation of the map* or for decisions upon other special questions upon

which such board is authorized by any such ordinance to pass.” (emphasis ours)

The Williamson County Zoning Resolution reads:

“4 a. To hear and decide appeals on any permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this Resolution; and to *interpret the Zoning map and this Resolution.*” (emphasis ours)

This is in conflict with the state law and it is the opinion of the county attorney that it is probably in violation of state law. He is writing a letter to the Attorney General asking for his opinion.

Temple Hills Subdivision
Zoning Question

Background:

The developer had a total of 676 acres originally. The 736 “allowable” units was derived by multiplying 676 by 43,560 and dividing by 40,000. According to the '73 zoning code, this would be the maximum number of units allowed assuming that there was no property with slopes over 25% and no property that was in the floodplain.

The Plat had the following notes:

“Allowable Dwelling Units for Total Development”	736
“Allowable Dwelling Units Exclusive of Reserved Parcels”	597
“Allowable Dwelling Units Future Development”	469
Parcels with note “This parcel not to be developed until approved by the Planning	

Commission not a part of this plat and not included in gross area"

Covenants and open space easement to the county for approximately 245 acres were filed with the Williamson County Registers Office in 1973.

The Preliminary Plat was renewed in June, 1974 with revisions changing the name of roads and the location of tennis courts and swimming pool area and showing Section II Condominiums that had been approved for final for 38 units by the Planning Commission.

June 19, 1975 the Preliminary Plat was renewed with some changes in location of recreation locations.

October 1977, the restrictive covenants were revised changing the set backs, minimum house square frontage requirements on lots off the golf course, allowing driveways on Sneed Road and allowing zero side set backs in the condominium units. In April, 1978 the Preliminary Plats were renewed with revisions to move the entrance to the Club House from Canterbury Lane to Temple Road.

In August, 1979 the Planning Commission renewed the preliminary plat as a new plat with the provision that the plat meet 1979 regulations. This plat contained all the changes made on the final plat of Section I (additional lots on Sneed Road and differences in open space).

There have been some changes in the zoning requirements for open space residential development (formerly residential cluster developments). The principal differences in the original zoning requirements and those adopted in 1977 are:

(1) Density:

Original ordinance states: The density of a cluster development shall be no greater than the density allowed under the zoning classification as set forth in the zoning ordinance of Williamson County applicable to the area being developed according to the provisions of this amendment without regard to this amendment; provided, however, said density shall be computed on the basis of total acreage less fifty percent (50%) of the land lying in the floodplain as shown on an official flood study and less fifty percent (50%) of all land lying on a slope with a grade in excess of twenty-five percent (25%). Land allocated to open space shall not be less than the aggregate amount by which lots are reduced under the provisions of this amendment.

The present regulations on density state: The density of an open space residential development shall be no greater than the density allowed under the zoning classification as set forth in the Zoning Resolution applicable to the area being developed. In no event shall such density be more than one (1) dwelling unit per acre. In computing the permitted density in a development, the gross acres in the tract of land to be developed shall first be reduced by ten percent (10%) to allow for streets and utilities. The remaining land area shall be further reduced by fifty percent (50%) of the land lying in the flood plain and still further reduced by fifty percent (50%) of the land lying on a slope with a grade in excess of twenty-five percent (25%).

- (2) The original regulations state that the plat approval process should be "prepared and reviewed by the Planning Commission under the plat approval procedure of the Subdivision Regulations." The present regulations state that: "A preliminary site plan and supporting data shall be submitted to the Williamson County Regional Planning Commission," and makes no reference to being reviewed under the subdivision regulations.
- (3) The original regulations do not require County Commission review or approval of plans but only states that "This amendment shall apply to all zones in which residential uses are permitted as designated and defined by the Williamson County Zoning Resolutions and Williamson County Quarterly Court." The present regulations states that "... every open space residential development shall be approved by the Williamson County Quarterly Court."
- (4) The original zoning does not allow for commercial facilities while the present regulations allow for "Commercial facilities, the primary purpose of which is to serve the residents of the open space residential development."

Also, even though the present zoning requirements do not refer to the subdivision requirements, the approval and recording procedures of the Williamson County Subdivision Regulations would apply since this would be a

subdivision as defined by state law. Since the developers are proposing a plan for the areas that were not designated by lot lines on the original plat, it is staff's opinion that this new plan would have to be reviewed and approved by the County Commission after review by the Planning Commission. Both regulations require the plan to have "Arrangements of streets, structures and lots." The areas not shown on this plat by lot lines were not approved by either the Planning Commission or by the County Commission when they zoned this area Open Space Residential Development in 1977 by adoption of the Official Zoning Map of Williamson County.

In 1973 as in 1977 (when the zoning law changed) the developer had only 469 single family lots shown on his plat. There had been various changes such as adding lots on Sneed Road, adding 38 condominium lots and some changes to the open space and location of tennis courts and such. The Planning Commission to date has only approved 212 housing units (176 single family and 38 multi-family) for final approval which has been recorded by the developer.

Since 1977 the Developer has not submitted any new plats that significantly differ from the original plat submitted in 1977. This year, at the request of the Planning Commission, the developer submitted a plan showing the complete development of the property. This plan indicated that the developer was seeking 736 units for approval.

Question: Review the Temple Hills Density Requirements under Present Zoning Regulations or under Regulations approved in 1973 when development was first approved.

The question to be addressed by the Board of Zoning Appeals is if the density of this subdivision should be evaluated on the basis of the 1973 law it was originally approved under or under the present zoning restrictions. It is the County's position that this subdivision be evaluated under present zoning restrictions because:

- (1) This is the only zoning restriction on the books and when it was changed by the County Court in 1977, the change did not specifically exempt any previous property from the new code.
- (2) This is not a non-conforming use since only 212 units of the original 469 units approved on the sketch plan have been approved for final and only a little over 100 units have been built out. Until the full 212 units approved for final have been built out and the 569 units approved for final might the developer possibly have any "standing" for non-conforming use status.
- (3) The developer does not have "vested rights" for the following reasons:
 - (a) Only the minimum size water and sewer lines have been installed in this development.
 - (b) The installed water and sewer lines can be extended and used and not wasted if fewer units are approved.
 - (c) The installed streets can be used and extended with no loss of investment.
 - (d) The existing open space can be used for the smaller number of units. Since there is no minimum size of open space required, it was

the developer that determined the size and lay out of the golf course. There is only one reason the developer can't submit or change the size and lay out of the golf course to give himself more area for building housing units to the planning commission and County Commission and that is because he has sold the golf course to another entity. The developer has not given the golf course to the County, he has only given an easement guaranteeing that this property will be used for open space purposes. The golf course is a viable business venture and the present owner wants to continue it for this purpose and does not consider it a hardship that it must remain a golf course.

- (e) The developer had sufficient time since 1973 to finish this project before 1977 and the county did not do anything to restrict his development during that period of time. He claims financial problems with a recession and his lending bank going broke but he could have designed final plats and posted bonds during this period and submitted them for approval.
- (f) The Subdivision Regulations did state that a Preliminary Plat was approved for a one year period when this plat was approved in 1973. Even though the Plat was renewed after 1977, the notes on the plat stating "Parcels with note 'This parcel not to be developed until approved by the Planning Com-

mission' not a part of this plat and not included in gross area," indicated that the only lots that were being approved by the Planning Commission were the 469 lots plus the 38 condominium units.

- (4) Since the developer did not have approved finals and had not made improvements, or furnished bonds guaranteeing improvements and had not put to record lots of more than a small percentage of the total allowed in the 1973 zoning regulations at the time of the zoning change (1977), the development should be evaluated under the present zoning regulations.

Question: Should the developer be allowed credit for the 18.5 acres sold to the Natchez Trace Parkway?

The developer contends that the land (18.5 acres) he sold to the Natchez Trace Parkway by condemnation should be counted as open space and that this acreage should not be subtracted from his total calculated acreage because the zoning regulations do allow for "parkway areas" to be used for open space.

This cannot be allowed for open space because:

1. The owners of the property (The Natchez Trace Parkway) has not asked for it to be included. Also the Parkway has not told the Planning Commission what this land will be used for and has not assured the Planning Commission that the land shall be used permanently as open space as required by the zoning code.
2. The Planning Commission has not approved this acreage for open space as required by the zoning code.

3. The developer went to court and received a fair compensation for this land using the fact that he would lose lots after the property was taken by the Parkway.

Question: Are there any slopes in the development that are greater than twenty five (25%) percent?

The zoning code for Open Space Residential Development (OSRD) states that:

"5. *Density*— . . . The remaining area shall (be) reduced by fifty percent (50%) of the land lying on a slope with a grade in excess of twenty-five (25%) percent." The code also says that; "Buildable land includes all land except: (b) Land lying on steep hillsides with a grade in excess of twenty-five percent (25%)."

The developer claims that he has no land with slopes greater than twenty-five percent (25%). The Planner for the developer took the average slope from the top of the hill to the bottom. The county engineer, using standard engineering practice as outlined in *The Civil Engineers Reference Book* where slope is defined as the vertical rise divided by the horizontal distance, calculated that a minimum of 88 acres were in excess of twenty-five percent (25%). He determined the slopes using the contour intervals presented on the plat (two ft.) There were no calculations presented back when the original development was approved. Mr. Lyle Brown, the original designer of the development, said that they did not calculate slopes when the plat was presented and that they were planning to do it a later time. Also, when I told him that about 80 or 90 acres had slopes of greater than twenty-five (25%), he said that that sounded right.

PLAINTIFF'S EXHIBIT 9035

(SEAL)

WILLIAMSON COUNTY
 Planning Commission
 Public Square
 Franklin, Tennessee 37064

June 23, 1981

Mr. Ralph Killabrew
 Hamilton Bank of Johnson City
 P.O. Box 1677
 Johnson City, TN 37601

RE: Temple Hills Subdivision
 Sketch Plan

Dear Mr. Killabrew:

At its regular meeting, June 18, 1981, the Williamson County Regional Planning Commission disapproved the Sketch Plans of the Temple Hills Subdivision submitted by you and your representatives for the following reasons:

1. The proposal does not comply with the density requirements of the zoning resolution of the County. We have calculated that there are 65.75 acres to be deducted for the 10% of Road and estimated that there are 88 acres with slopes greater than 25%. Therefore, the maximum number of units would be 548.
2. There are two (2) cul-de-sacs that are in excess of the subdivision regulations: Canterbury is about 5000 feet in length and Road "A,B,C" is over 3000 feet. (maximum length is 800 feet.)
3. There are road grades in excess of the Williamson County Road Regulations maximum grade requirements.

4. There are lots shown on land that is in excess of twenty-five (25) percent grades. This land should be in open space.
5. Temple Road is the main access road for the development and cannot handle the traffic generated by the proposed development because of the condition of the road.
6. The confusion of responsibility and progress for installing underground electric service in sections IV and V.
7. There are inadequate services to provide fire protection for the multi-family units proposed for this development. Also, there are no recreational facilities and open space provided for children and residents in the area for multi-family housing. (The only open space is limited to members of the Country Club).
8. The lots do not meet the minimum size one-half ($\frac{1}{2}$) acre and road frontage (125) of our subdivision regulations.

If there are any questions please notify my office. Staff will be glad to work with you and your representatives to correct the various deficiencies so as to comply with County zoning and Subdivision regulations.

Sincerely,

/s/ Morton Stein
 County Planner

MS:dw

cc: Tom Ragsdale
 Tom Nebel

PLAINTIFF'S EXHIBIT 9079
 (SEAL)

WILLIAMSON COUNTY
 Planning Commission
 Public Square
 Franklin, Tennessee 37064

TO: Mid-Cumberland Council of Government and Development District

FROM: Morton Stein, Williamson County Planner

DATE: June 7, 1979

SUBJECT: A-95 Review of Temple Hills Preapplication Analysis and Mortgage Insurance 70-574

The Temple Hills Country Club Estates Subdivision is an approved subdivision. Their preliminary plat will be considered for renewal in July. The property under consideration is zoned for Open Space Residential Development and the intended use and the development are in conformance with this zone. This development is in conformance with the Williamson County Plan adopted in 1973.

The Williamson County Planning Commission has discussed and reviewed this subdivision on several occasions and wanted the following comments concerning the progress of development and the concern of the residents of the subdivision conveyed to HUD for their review.

(A) There have been problems concerning the installation of improvements in the past and there have been several complaints from residents concerning the condition of the roads.

(B) There has been concern expressed by residents of the subdivision concerning changes in the covenants and in the "open space" areas.

(C) It should be noted that the "open space" area is a Country Club/Golf Course that is a privately owned club.

If there are any further questions, please contact my office.

PLAINTIFF'S EXHIBIT 9111

September 30, 1980

Williamson County Regional Planning Comm.
 Williamson County Courthouse
 Franklin, Tn 37064

Dear Mr. Chairman:

We the undersigned members of the 1973 Williamson County Planning Commission, desire to set the records straight concerning the approval of Temple Hills Country Club Estates. On May 3, 1973, Temple Hills Country Club Estates was approved by the Commission. The development consisted of 676 acres and was approved for 736 dwelling units. At the time of approval this development met all county requirements.

/s/ (Signatures Illegible)

PLAINTIFFS' EXHIBIT 9700

(map: included in appendix vol. III)

PLAINTIFFS' EXHIBIT 9701

(map: included in appendix vol. III)

PLAINTIFFS' EXHIBIT 9702

(map: included in appendix vol. III)

PLAINTIFFS' EXHIBIT 9707

(map: included in appendix vol. III)

PLAINTIFFS' EXHIBIT 9708

(map: included in appendix vol. III)

PLAINTIFF'S EXHIBIT 9850

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NO. 81-3567-N

HAMILTON BANK OF JOHNSON CITY,
Plaintiff
vs.

WILLIAMSON COUNTY REGIONAL PLANNING
COMMISSION, et al
Defendants

TESTIMONY OF JOSEPH E. HUNT
(Filed April 1, 1982)

I. Summary of Qualifications**A. Academic**

1. Tennessee Technological Institute, Cookeville, Tennessee

2. Various Real Estate Appraisal Courses:

- a. American Institute of Real Estate Appraisers

- (1) Appraisal I & II

- (2) Industrial Appraisal

- (3) Instructor's Workshop

b. Appraisal I

3. U.T.-Nashville

a. Condemnation Real Estate Appraisal

b. Appraisal I

c. Real Estate Law

4. International Association of Assessing Officers

a. Appraisal I & II

b. Computer Techniques and Real Estate Appraising

c. Industrial Real Estate

d. Personnel and Office Administration

B. Professional

1. M.A.I.: Member, Appraisal Institute, American Institute of Real Estate Appraisers

2. CAE: Certified Assessment Evaluator, International Association of Assessing Officers

C. Numerous awards and honors**D. Numerous articles and publications****E. Experience**

1. 4 years to present Owner/Operator of Joseph E. Hunt & Company

2. 6 years as Senior Appraiser Division of Real Estate Assessments, Metro Government Nashville & Davidson County

3. 6 years in general real estate appraisal work

4. 4 years as Director of Real Estate Assessments in Alexandria, Virginia

II. Summary of Testimony

- A. Appraisal of Temple Hills Country Club Estate (the "Property") made as of February 17, 1982 and updates prior appraisal and valuation dated December 31, 1980.
- B. The appraisal deals with 257.65 acres of raw and undeveloped land which contains 476 potential building sites [2 units/acre]. The appraisal is based upon the original development plan for the property as approved periodically by the Williamson County Planning Commission ("the Development Plan").
- C. The appraisal considers the highest and best use of the Property which is zoned for residential cluster housing permitting single and two-family multifamily housing units with up to five (5) living units per acre; provided, however, that for each acre of building sites there must be at least one acre of open space somewhere in the development.
- D. The raw land appraisal completed as of December 31, 1980 indicated a value of \$1,850,000, based upon the developmental approach to valuation. This approach considers the total gross sales that can be obtained through land development and deducting all costs required to create development and applying present values to obtain a net value in the property. The appraisal considers comparable values and costs and expected time for sell-out of the project.
- E. The indicated value of the Property at February 17, 1982, based upon the developmental approach outlined above is \$1,035,000, which represents a downward adjustment of \$815,000. The downward adjustment is due to the following reasons:
 - 1. Potential development sites adjusted downward from 515 to 476;

- 2. Interest rate on investment capital adjusted upward from 12% to 15%;
- 3. Revised method for calculating real estate tax liability.
- F. The Property at February 17, 1982 is in essentially the same status it was in at December 31, 1980. However, the Williamson County Planning Commission has now refused final approval of the development plan citing the factors enumerated in the letter of June 23, 1981.
- F. (sic) A revised development plan, which takes into account the factors cited by the Williamson County Planning Commission in denying approval of the development plan, has been prepared by Mr. J.T. Ragsdale, Development Coordinator for the Temple Hills Project. This revised development plan eliminates 409 potential building sites from the development plan, leaving only 67 building sites. A revised appraisal of the Property, considering only 67 building sites, and using the development approach described above indicates a loss of in excess of \$1,000,000 for the completion of the development in accordance with the restrictive requirements of the 1981 letter of the Williamson County Planning Commission.
- H. Therefore, it is my opinion that the Property under these regulations has no significant market value other than that which someone would pay for open space. The application of the regulations by the Williamson County Planning Commission has thus damaged the owner of the Property by \$1,035,000, the value of the Property assuming approval of the development plan as submitted.

Submitted by,
BASS, BERRY & SIMS
 BY: /s/ John H. Bailey, III
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Testimony of Lewis Garber has been hand delivered to Robert L. Estes, Thomas M. Donnell, Jr., and M. Milton Sweeney, Attorney for Defendants, 14th Floor, Third National Bank Building, Nashville, Tennessee, this 1st day of April, 1982.

/s/ John H. Bailey, III

PLAINTIFF'S EXHIBIT 9851

SUCCESSOR TRUSTEE'S DEED

Address New Owner(s) As Follows — Hamilton Bank of Johnson City, P.O. Box 1677, Johnson City, TN 37601

Send Tax Bills To — Same

Map-Parse Numbers —

WHEREAS, by Deed of Trust dated July 15, 1977, of record in Book 298, page 232, Register's Office for Williamson County, Tennessee, James I. Vance Berry, Trustee, and James T. Patterson, Jr., as sole beneficiary, conveyed certain real property to Thomas C. Mottern, Trustee, to secure the payment of a promissory note dated July 15, 1977; and,

WHEREAS, Hamilton Bank of Johnson City, as the lawful owners and holders of said indebtedness, have removed Thomas C. Mottern as Trustee under said Deed of Trust and have nominated and appointed Ralph M. Killebrew of Chattanooga, Tennessee, as Successor Trustee, pursuant to the terms of said Deed of Trust, which appointment of Successor Trustee, is of record in Book 378, page 275, Register's Office for Williamson County, Tennessee; and the said Ralph M. Killebrew, Successor Trus-

tee, is thereby vested with title to the property described in said Deed of Trust for all purposes therein contained, and he is clothed with all the powers, duties, and obligations therein conferred upon the named trustee; and,

WHEREAS, said Deed of Trust contained a power in the Trustee to sell the hereinafter-described property in the event of default upon the indebtedness secured thereby; and,

WHEREAS, the indebtedness described therein was not paid in accordance with its terms, but default was made thereon; and,

WHEREAS, at the request of the lawful owners and holders of the indebtedness secured by said Deed of Trust, the Successor Trustee gave notice of the time and place of sale, all in accordance with said Deed of Trust, by publishing an advertisement for three consecutive weeks in the Review-Appeal, a newspaper published in Williamson County, Tennessee, said notice being first published on Tuesday, November 4, 1980 and thereafter on Tuesday, November 11, 1980 and Tuesday, November 18, 1980; and,

WHEREAS, on the 26th day of November, 1980, at 12:00 noon, at the front door of the Williamson County Courthouse in Franklin, Tennessee, being the time and place fixed in said notice, the hereinafter described property was offered for sale at public outcry, cash in hand and in bar of the equity of redemption and all other legal rights of the grantor of said Deed of Trust, as provided therein, and after having received a bid for One Million, Seven Hundred, Fifty Thousand Dollars (\$1,750,000.00) from a representative bidding on behalf of the Hamilton Bank of Johnson City, which bid being the last, highest,

and best bid and being in hand paid, the receipt of which is hereby acknowledged;

NOW, THEREFORE, in consideration of the premises of the sum bid and paid, I, Ralph M. Killebrew, Successor Trustee, do hereby bargain, sell, transfer, and convey unto the Hamilton Bank of Johnson City, their successors and assigns, all that certain real property in Williamson County, Tennessee, described as follows:

DESCRIPTION

Being eight (8) tracts of land in the 6th Civil District of Williamson County, Tennessee, described according to a survey made by Hart-Freeland-Roberts, Inc., dated June 30, 1977 and amended July 5, 1977, as follows:

TRACT A

Beginning at a point in the southern margin of Sneed Road and the easterly margin of Temple Road; thence along the southerly margin of Sneed Road, N 54°-42' 16" E, 65.09 feet to a concrete monument; thence S 83°-26'-44" E, 501.30 feet to a point; thence S 5°-52'-16" W, 10.0 feet; thence S 84°-07'-44" E, 729.02 feet to a concrete monument; thence along a curve to the right with a radius 2744.19 a distance of 245.11 feet to a point; thence leaving the margin of Sneed Road S 6°-36'-16" W, 408.71 feet to a point in the northerly margin of St. Andrews Drive; thence along the margin of St. Andrews Drive with a curve to the left with a radius of 420.0 feet, a distance of 185.46 feet; thence N 84°-23'-44" W, 1312.50 feet; thence along a curve to the right with a radius of 25.0 feet a distance of 39.27 feet to a point on easterly margin of Temple Road; thence N 5°-36'-16" E, 334.53 feet to the point of beginning and containing 13.54 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage,

sell, transfer and convey without joinder of any beneficiary by deed from Ethel M. Grigsby, Clerk and Master of the Chancery Court at Franklin, Williamson County, Tennessee, and as Special Commissioner, of record in Book 210, page 41, Register's Office for Williamson County, Tennessee.

TRACT B

Beginning at a point on the easterly margin of Temple Road, said point being the southwest corner of the W. H. Temple Property; thence along Temple's south margin S 85°-13'-44" E, 200.05 feet; thence S 11°-00'-01" E, 348.23 feet; thence S 5°-55'-37" W, 130.0 feet; thence S 68°-45'-00" E, 278.0 feet; thence along with a curve to the right with a radius of 200.0 feet, a distance of 146.61 feet; thence S 77°-30'-00" E, 284.00 feet; thence S 13°-15'-00" W, 189.51 feet; thence S 51°-15'-0" W, 374.0 feet; thence along a curve to the right with a radius of 70.0 feet a distance of 148.63 feet; thence S 10°-50'-00" W, 373.0 feet; thence N 90°-0'-0" W, 119.00 feet; thence N 5°-0'-00" W, 486.0 feet; thence N 20°-0'-0" E, 162.0 feet; thence N 23°-45'-0" E, 398.0 feet; thence N 68°-45'-0" W, 208.0 feet; thence S 55°-43'-30" W, 422.0 feet to a point on the easterly margin of Temple Road; thence along the margin of Temple Road N 5°-36'-16" E, 790.30 feet to the point of beginning and containing 11.68 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from Ethel M. Grigsby, Clerk and Master of the Chancery Court at Franklin, Williamson County, Tennessee, and as Special Commissioner, of record in Book 210, page 41, Register's Office for Williamson County, Tennessee.

TRACT C

Beginning at point in the southeast corner of Lot 46 and the southwest corner of Lot 45 of Temple Hills

Country Club Estates, Section I as of record in Book 5, Page 64, R.O.W.C.; thence along the easterly margin of Temple Hills Country Club Estates S 8° 49'-16" W, 26.75 feet; thence S 6°-01'-16" W, 3955.88 feet to a point on northern margin of Temple Road; thence along the northern margin of Temple Road N 83°-35'-44" W, 284.80 feet; thence along a curve to the right with a radius of 262.50 feet a distance of 299.89 feet; thence N 18°-08'-19" W, 219.89 feet to a point; thence along a curve to the left with a radius of 337.50 a distance of 149.86 feet; thence N 43°-34'-47" W, 284.77 feet; thence leaving the margin of Temple Road; N 52°-15'-13" E, 184.31 feet; thence N 14°-38'-31" E, 573.63 feet; thence N 18°-29'-01" E, 392.20 feet; thence N 18°-47'-17" E, 102.46 feet; thence N 17°-32'-01" E, 361.81 feet:

thence N 49°-28'-00" E, 124.34 feet; N 29°-34'-40" E, 85.09 feet; thence N 5°-06'-08" E, 112.45 feet; thence N 67°-18'-49" W, 437.92 feet; thence N 28°-51'-37" W, 196.73 feet; thence N 6°-24'-07" W, 371.19 feet; thence N 48°-23'-21" E, 218.05 feet; thence N 3°-15'-26" E, 246.40 feet; thence N 45°-29'-54" E, 81.32 feet; thence S 85°-22'-06" E, 281.49 feet; thence N 4°-59'-52" E, 27.84 feet; thence N 5°-49'-03" E, 266.37 feet; thence N 30°-55'-11" E, 223.81 feet; thence N 8°-59'-03" E, 256.14 feet; thence N 14°-29'-35" E, 104.57 feet; thence S 52°-20'-04" E, 432.99 feet to a point on the westerly margin of St. Andrews Drive; thence along margin of St. Andrews Drive S 37°-21'-16" W, 120.16 feet; thence along a curve to the left with a radius of 630.40 feet a distance of 88.71 feet; thence across the end of St. Andrews Drive and along the southerly margin of Lot 46 of Temple Hills Country Club Estates Section I revised, S 60°-42'-28" E, a distance of 195.96 feet to the point of beginning and containing 66.69 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from Ethel M. Grigsby, Clerk and Mas-

ter of the Chancery Court at Franklin, Williamson County, Tennessee, and as Special Commissioner, of record in Book 210, page 41, Register's Office for Williamson County, Tennessee.

TRACT D

Beginning at a point at the end of Canterbury Lane as of recorded in Section Three of Temple Hills Country Club Estates Book 5, Page 65, R.O.W.C., said point being 89.50 feet from the southern margin of Temple Road, thence S 32°-47'-59" E, 60.0 feet across the end of Canterbury Lane; thence S 57°-12'-1" W, 3.10 feet; thence along a curve to the left with a radius of 310.90 feet a distance of 257.75 feet to a point; thence S 9°-42'-01" W, 110.0 feet; thence along a curve to the right with a radius of 473.98 feet a distance of 401.22 feet; thence S 58°-12'-1" W, 159.63 feet; thence along a curve to the right with a radius of 1148.57 feet a distance of 180.07 feet; thence S 22°-48'-51" E, 168.05 feet; thence S 73°-31'-23" W, 740.41 feet; thence N 75°-46'-20" W, 28.05 feet; thence S 5°-42'-38" E, 78.5 feet; thence S 10°-12'-14" W, 406.43 feet; thence S 63°-01'-41" W, 440.96 feet; thence S 48°-53'-30" W, 833.48 feet; thence S 31°-47'-22" E, 175.70 feet; thence along a curve to the left with a radius of 290.0 feet a distance of 432.58 feet; thence N 62°-44'-41" E, 293.04 feet; thence along a curve to the right with a radius of 240.03 feet a distance of 358.88 feet; thence N 54°-41'-20" E, 148.55 feet; thence N 42°-41'-29" E, 568.01 feet; thence N 2°-3'-06" E, 328.34 feet; thence N 36°-28'-9" E, 286.01 feet; thence N 82°-16'-41" E, 297.70 feet; thence S 81°-40'-47" E, 255.69 feet; thence S 16°-27'-31" W, 280.09 feet; thence S 41°-6'-44" W, 185.0 feet; thence S 2°-10'-29" W, 1106.80 feet; thence S 71°-19'-33" E, 515.90 feet; thence S 65°-15'-56" E, 161.26 feet; N 48°-59'-54" E, 80.0 feet; thence N 15°-33'-41" E, 144.38 feet; thence along a curve to the left with a radius of 220.0 feet a distance of 134.86 feet; thence

N 19°-33'-42" W, 53.03 feet; thence along a curve to the right with a radius of 380.0 feet; a distance of 169.94 feet; thence N 6°-3'-42" E, 27.22 feet; thence N 84°-25'-40" W, 205.97 feet; thence N 5°-11'-40" E, 386.59 feet; thence N 19°-5'-37" E, 687.83 feet; thence S 82°-5'-34" E, 290.76 feet; thence N 6°-59'-48" E, 221.65 feet; thence N 10°-45'-38" E, 93.52 feet; thence N 7°-43'-43" E, 485.90 feet to a point on the southern margin of Temple Road; thence along a curve to the left with a radius of 337.50 feet a distance of 152.50 feet; thence S 83°-35'-44" E, 300.09 feet; thence S 6°-24'-16" W, 2578.77 feet; thence N 81°-48'-44" W, 2044.04 feet; thence S 9°-56'-16" W, 35.19 feet; thence N 83°-51'-44" W, 1895.24 feet; thence N 4°-8'-16" E, 2426.23 feet; thence S 85°-21'-44" E, 853.9 feet; thence S 85°-32'-44" E, 123.96 feet; thence N 79°-3'-16" E, 393.18 feet; thence N 2°-41'-44" W, 1523.71 feet; thence N 87°-51'-33" E, 78.28 feet; thence S 49°-47'-34" E, 405.48 feet; thence S 22°-17'-21" E, 437.54 feet; thence S 66°-56'-36" E, 847.03 feet; thence along a curve to the right with a radius of 370.90 feet a distance of 261.81 feet; thence N 57°-12'-01" E, a distance of 3.10 feet to the point of beginning and containing 184.18 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from Ethel M. Grigsby, Clerk and Master of the Chancery Court at Franklin, Williamson County, Tennessee, and Special Commissioner, of record in Book 210, Page 41, Register's Office for Williamson County, Tennessee.

TRACT E

Beginning at a point in the northerly most corner of Tract E, said point being the southwest corner of Lot 201 of Temple Hills Country Club Estates Section I as of record in Book 5, Page 4, and as revised in Book 5, page 64, R.O.W.C.; S 41°-4'-42" E, 208.82 feet

to a point on the western margin of Baltusrol Road; thence along the margin of Baltusrol Road, S 48°-55'-18" W, 145.0 feet to a point; thence crossing Baltusrol Road, and along the southern margin of Lot 162 S 41°-4'-42" E, a distance of 209.12 feet; thence S 48°-55'-18" W, 131.14 feet; thence S 8°-9'-34" W, 1143.73 feet; thence S 46°-47'-39" E, 610.53 feet; thence N 84°-17'-22" E, 170.85 feet; thence S 3°-29'-22" W, 168.64 feet; thence S 42°-10'-36" W, 62.26 feet; thence 43°-27'-07" W, 774.91 feet; thence S 84°-50'-53" W, 122.5 feet; thence S 4°-6'-47" W, 136.27 feet; thence S 2°-59'-14" E, 690.94 feet; thence S 83°-53'-05" W, 168.96 feet; thence S 38°-06'-27" W, 114.59 feet; thence N 49°-47'-34" W, 332.65 feet; thence N 9°-01'-10" E, 677.28 feet; thence N 3°-48'-51" E, 225.50 feet; thence N 5°-20'-46" E, 251.25 feet; thence N 4°-28'-13" E, 551.68 feet; thence N 43°-13'-43" W, 68.62 feet; thence N 64°-34'-23" W, 67.54 feet; thence N 31°-44'-34" W, 138.76 feet; thence N 18°-43'-15" E, 190.06 feet; thence N 46°-2'-29" E, 155.59 feet; thence N 2°-51'-48" W, 40.05 feet; thence N 13°-07'-15" E, 713.63 feet; thence N 8°-41'-10" E, 364.18 feet; thence N 45°-00'-00" E, 197.99 feet; thence N 44°-01'-06" E, 171.63 feet to the point of beginning and containing 42.57 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from Ethel M. Grigsby, Clerk and Master of the Chancery Court at Franklin, Williamson County, Tennessee, and as Special Commissioner, of record in Book 210, page 41, Register's Office for Williamson County, Tennessee, and also being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from R. W. Steltemeier and wife, Ramona S. Steltemeier, of record in Book 210, page 48, Register's Office for Williamson County, Tennessee.

TRACT F

Beginning at a point on the southern margin of Temple Road and the eastern margin of the William Wilson property, thence along the southern margin of Sneed Road S $83^{\circ}32'44''$ E, a distance of 530.0 feet to a point; thence leaving the margin of Sneed Road S $17^{\circ}38'32''$ W, 696.08 feet; thence S $25^{\circ}26'59''$ W, 668.0 feet; thence N $85^{\circ}36'04''$ W, 130.38 feet to a point on the eastern margin of the William Wilson property; thence along the margin of the Wilson property N $4^{\circ}24'16''$ E, 1320.0 feet to the point of beginning and containing 10.70 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from R. W. Steltemeier and wife Ramona S. Steltemeier, of record in Book 210, page 48, Register's Office for Williamson County, Tennessee.

TRACT G

Beginning at a point on the southern margin of Tract E, said point being S $49^{\circ}47'34''$ E, 151.75 feet from the southwest corner of Tract E; thence along the southern margin of Tract E S $49^{\circ}47'34''$ E, 50.0 feet; thence leaving the margin of Tract E S $38^{\circ}06'27''$ W, 41.27 feet; thence along a curve to the left with a radius of 155.0 feet a distance of 10.58 feet to a point on the northerly margin of Tract D; thence along the northerly margin of Tract D, N $49^{\circ}47'34''$ W, 50.21 feet; thence leaving the margin of Tract D and along a curve to the right with a radius of 205.0 feet a distance of 8.72 feet; thence N $38^{\circ}06'27''$ E, 43.1 feet to the point of beginning and containing 0.06 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any bene-

ficiary by deed from R. W. Steltemeier and wife, Ramona S. Steltemeier, of record in Book 210, page 48, Register's Office for Williamson County, Tennessee.

TRACT H

Beginning at a point on the westerly margin of Temple Road, said point being 3146.86 feet from the southerly margin of Sneed Road as measured along the westerly margin of Temple Road; thence along the margin of Temple Road S $5^{\circ}36'16''$ W, 100.0 feet; thence leaving Temple Road and along a curve to the left with a radius of 25.0 feet a distance of 39.27 feet; thence N $84^{\circ}23'44''$ W, 55.50 feet to a point on the easterly margin of Tract E; thence along the margin of Tract E, N $42^{\circ}10'36''$ E, 62.26 feet; thence leaving the margin of Tract E, S $84^{\circ}23'44''$ E, 18.41 feet; thence along a curve to the left with a radius of 25.0 feet a distance of 39.27 feet to the point of beginning and containing 0.09 acres.

Being a portion of the property conveyed to James I. Vance Berry, Trustee, with full power to mortgage, sell, transfer and convey without joinder of any beneficiary by deed from R. W. Steltemeier and wife, Ramona S. Steltemeier, of record in Book 210, page 48, Register's Office for Williamson County, Tennessee.

Included in the above description, but specifically excluded from the property conveyed is the following described property:

1. All of Section 4.
2. All of Section 5.
3. Lot 113, Section 1.
4. Lots 238 through 245 and 266 through 272, Temple Hills, Section 6.

5. All of Section 1 which are Lots 471 through 485.
6. The Natchez Trace Property in Tract D which by a government order of condemnation was made into the Natchez Trace Parkway. The order is filed in the Williamson County Circuit Court #10810.

TOGETHER WITH:

The right of the Grantors of said Deed of Trust to rely upon the real property described in Exhibit "A" to that certain Open Space Easement, dated June 19, 1973, of record in Book 210, page 57, said Register's Office, as common area in support of the Planned Residential Development of the eight (8) tracts above described and other lands of Grantors of said Deed of Trust.

TOGETHER with all the estate, right, title, interest, claim and demand whatsoever of Grantors of said Deed of Trust of, in and to said real estate and every part and parcel thereof;

TOGETHER with all buildings, structures and other improvements now or hereafter located on the said real estate or any part or parcel thereof;

TOGETHER with all right, title and interest of Grantors of said Deed of Trust in and to the minerals, flowers, shrubs, crops, trees, timber and other emblements now or hereafter located on said real estate or under or above the same, or any part or parcel thereof;

TOGETHER with all and singular the tenements, hereditaments, easements, privileges and appurtenances thereunto belonging or in anywise appertaining, including any after acquired property similar to that herein conveyed which may be subsequently acquired by the Grantors of said Deed of Trust and used by them in connection

with the above-described real estate, and including without limitation, all right, title and interest of Grantors of said Deed of Trust in and to any and all streets, roads, and rights-of-way, open or proposed, public or private, adjoining or crossing said above-described real estate.

TOGETHER with all machinery, apparatus, building materials, equipment, fixtures, fittings, furnishings and appliances of every kind and nature owned by Grantors of said Deed of Trust and now or hereafter located in, upon, on or under the above-described real estate or any part thereof and/or used or usable in connection with any present or future operation thereof, whether actually or constructively attached to said above-described real estate, and including all trade, domestic and ornamental fixtures and articles of personal property of every kind and nature whatsoever, including but without limiting the generality of the foregoing: venetian blinds, floor coverings, draperies, hot water heaters, stoves, ranges, refrigerators, plumbing appliances, dishwashing machines, washing machines, light fixtures, lighting equipment, heating, ventilating, fire control, freezing, laundry, incinerating, power and air conditioning units or appliances, awnings, screens, storm doors and windows, wall beds, attached cabinets, engines, pipes, pumps, tanks, motors, conduits, switchboards, lifting, cleaning and communications apparatus, sewage treatment plants, facilities and apparatus, vacuum cleaning systems, elevators, escalators, partitions, ducts and compressors, furniture and furnishings, parking lot lighting fixtures and such other goods, chattels, personal property, fixtures and equipment as are usually found on real estate of the character hereby conveyed, together with all addi-

tions thereto, replacements thereof, (substitutions therefor and proceeds from a permitted sale thereof) all of which property shall to the extent permitted by applicable law be considered as annexed to or forming a part of said above-described real estate and forming a portion of the security for the indebtedness secured by the Deed of Trust dated July 15, 1977;

TOGETHER with all right, title and interest of Grantors of said Deed of Trust, from time to time, in and to any and all leases, contract, franchises and licenses covering the above-described real estate, now belonging or hereafter acquired or added thereto;

TOGETHER with all rents, issues, and profits which shall hereafter be realized, become due, or be paid in connection with the operation and use of said above-described real estate;

TOGETHER with all building materials and supplies on the premises described above and all fixtures and personal property of every kind and description whatsoever and all my interests therein by virtue of said Deed of Trust.

TO HAVE AND TO HOLD said real estate, together with all hereditaments, easements, appurtenances, and improvements thereunto belonging, in fee simple, forever, free from all right and equity of redemption and all other legal rights of exemptions of the grantor of said Deed of Trust.

I, Ralph M. Killebrew, as Successor Trustee, do hereby transfer, assign, and set over unto the Hamilton Bank of Johnson City, their successors and assigns, all of the

covenants and warranties contained in said Deed of Trust, and I do hereby warrant the title as fully as I am able to do as Successor Trustee, but no further or otherwise.

WITNESS my hand, as Successor Trustee, on this the 11th day of December, 1980.

/s/ Ralph M. Killebrew,
Successor Trustee

State of Tennessee, County of Davidson, ss

Before me, the undersigned, a Notary Public in and for the aforesaid County and State, personally appeared Ralph M. Killebrew, the within named bargainor, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Successor Trustee named herein, and that he, as Successor Trustee, executed the foregoing instrument for the purposes therein contained, and that the actual consideration or value, whichever is greater, for this transfer is \$1,750,000.00.

WITNESS my hand and official seal at office in Nashville, Tennessee on this the 11th day of December, 1980.

/s/ Rugenia Russe
Notary Public

My Commission Expires: July 21, 1984

THIS INSTRUMENT PREPARED BY:

BASS, BERRY & SIMS
2700 First American Center,
Nashville, Tennessee 37238

DEFENDANT'S EXHIBIT 66
 (Plaintiff's Exhibit 1009)

DEFENDANT'S EXHIBIT 84
 (Plaintiff's Exhibit 1056)

DEFENDANT'S EXHIBIT 93
 (Plaintiff's Exhibit 1073)

DEFENDANT'S EXHIBIT 105
MINUTES OF THE MEETING
OF THE
WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION
MAY 7, 1981

Members Present:

Mitchell Beard
 Carolyn Waters
 Ann Petersen
 Joey Davis
 Pete Moseley
 Ken McNeil
 Joe Baugh
 Judge Wilburn H. Kelley, Jr.
 Jack Meagher
 Dr. Robert Medaugh

Staff Present:

Morton Stein, County Planner
 Thayer Martin, County Engineer

Don Santer, Building Commissioner
 Mitchell Crawford, County Attorney

The meeting of the May 7, 1981 Planning Commission was called to order by chairman Mitchell Beard at 7:40 p.m.

The commission then considered the minutes of the March 19, 1981 Planning Commission meeting. Ken McNeil pointed out a correction to be made on page 2, second paragraph. The word Blbe should be Blue. Mr. Stein stated that this sentence needed to be added to the Item II heading—MASTER PLAN APPROVED AS PRELIMINARY PLAT AND DELAYED ACTION ON FINAL PLAT. Also, on page three, between paragraph's seven and eight, add a paragraph stating that the Planning Commission then considered Final Plat of Section V. Ken McNeil made a motion to approve the minutes of the March 19, 1981 meeting as amended. Ann Petersen seconded the motion; motion carried.

Announcements:

Mr. Stein announced that there will be a meeting Tuesday, May 12 at 7:00 p.m. of the Special Water Study Committee with the County Commission members to explain their recommendations.

ITEM I: REVIEW FINAL DRAFT OF THE WILLIAMSON COUNTY DEVELOPMENT PLAN, WATER AND WASTEWATER PLAN AND ADOPT PLAN.

Representative for Harry Hendon and Associates, Stan Nelson, gave a presentation on the Water Portion of the Williamson County Water, Wastewater and Development Plan.

They recommend that all utility districts within the county be consolidated and that the county water authorities undertake construction of the Hillsboro Road Groundwater Treatment Plant and the South Harpeth River Water Treatment Plant in phases.

There were questions and discussion from the planning commission. The staff made a recommendation that the planning commission adopt the Water Portion of the Williamson County Development Plan, Water and Wastewater Plan.

Ken McNeil made a motion to adopt the attached resolution. Jack Meagher seconded the motion; motion carried.

Mr. Dave Buchanan of the Special Water Study Committee reported on the results of their study. Mr. Buchanan stated that their committee was recommending four resolutions to the County Commissioners: (1) to direct County Attorney to take such steps as necessary to consolidate the six rural utility districts, (2) reorganize County Water Authority to allow election of six commissioners by County Commission, (3) dissolution of existing Water Authority and (4) extend length of special water committee. He presented a resolution for consolidation of the six county water districts. Mr. Buchanan explained just how this consolidation would affect the people of the city and county. Motion was made to adopt the attached resolution by Dr. Robert Medaugh. Joey Davis seconded the motion; motion carried.

ITEM II: PRESENTATION OF PROPOSED SKETCH PLAN FOR THE TEMPLE HILLS DEVELOPMENT BY THE DEVELOPER.

Mr. Kilebrew, representing Hamilton Bank of Johnson City gave an informal presentation to the planning commission concerning their proposed future development of Temple Hills. He reported on the history of this development.

Mr. Roy Coffee presented the commission with a petition containing approximately 162 signatures of the homeowners backing the development. Several residents attended the meeting supporting the development. There was also some opposing the development.

There were several comments and questions from the citizens and the planning commission.

Mr. Killebrew ended the presentation thanking everyone for listening and attending.

ITEM III: REVIEW OF THE FOLLOWING SUB-DIVISION BONDS

Mr. Martin gave a presentation on the following:

PERFORMANCE BONDS:	MAINTENANCE BONDS:
Hidden Valley	Iroquois Meadows
Settlers Point	In-A-Vale
Owl Creek	Wildwood Estates II
Sneed Glen	Highgate II and IV
Breckenridge II	Trace End I and II
Battlewood Forrest	
Farmington	
Hunters Ridge II	

Representatives from some of the subdivisions attended the meeting to give their comments concerning the work to be done.

Hidden Valley: Motion made by Joey Davis to defer action until the next meeting. Pete Moseley seconded the motion; motion carried.

Settlers Point: Motion made by Pete Moseley to go to a Maintenance Bond provided the paving and stabilization work is completed on or before May 27 and that the amount be \$7,500. Dr. Robert Medaugh seconded the motion; motion carried.

Owl Creek: Motion was made by Ann Petersen to defer until the next meeting. Ken McNeil seconded the motion; motion carried.

Sneed Glen: Motion made by Ann Petersen to extend the bond until September 23. Jack Meagher seconded the motion; motion carried.

Motion was made by Judge Kelley to defer the remaining bonds until the next Planning Commission meeting. Pete Moseley seconded the motion; motion carried.

With no further business to come before the commission the meeting adjourned at 10:35 p.m.

/s/ Ann Petersen
Ann Petersen, Secretary

ENCLOSURE FOR
ITEM III

SUBDIVISION	TYPE BOND	DATE DUE	DATE LAST ACTION	DATE FINAL APPROVED	EXTENSION
Performance Bonds					
Hidden Valley	L/C	6-1-81	10-80	1974	7 years
Settlers Point	L/C	6-10-81	10-80	1978	7 months
Owl Creek	Insurance	6-1-81	11-80	1978	9 months
Savings Account					
Sneed Glen	L/C	6-13-81	5-80	1977	1 year
Breckenridge II	L/C	6-13-81	5-80	1978	1 year
Insurance					
Battlewood Forrest	Insurance	6-16-81	5-80	1978	1 year
Farmington	Insurance	6-16-81	5-80	1978	1 year
Hunters Ridge II	L/C	6-19-81	5-80	1979	1 year
Maintenance Bonds					
Iroquois Meadows	Insurance	6-1-81	6-80	1977	1 year
Trace End Estates I & II	Insurance	6-1-81	10-80	1975	1 year
In-A-Vale	L/C	6-1-81	11-80	1978	*
Wildwood Estates II	L/C	6-1-81	11-80	1974	5 years
Highgate II	L/C	6-1-81	12-80	1974	none
Highgate IV	L/C	6-1-81	6-80	1977	2 years

- * Maintenance period ends Nov. 1981—Staff request certain work to be performed by June 1981.

RESOLUTION ADOPTING WATER
STUDY PORTION OF COUNTY DEVELOPMENT
PLAN FOR WILLIAMSON COUNTY

MAY 7, 1981

WHEREAS, Williamson County has suffered severe water problems in recent years; and,

WHEREAS, the concept of County-wide cooperation in solving water supply problems has been supported and promoted by the Mid-Cumberland Council of Governments and FmHA; and,

WHEREAS, after recognizing the tremendous need for a comprehensive water plan, FmHA and County Government agreed to finance the development of a plan; and,

WHEREAS, County Officials and FmHA representatives realize the excessive costs and duplications involved when attempts are made to solve water problems on a piecemeal basis in crisis situations; and,

WHEREAS, the well-being of the County and its citizens is better served financially and with better services when the primary energies of County Government and its planning efforts are directed toward developing and implementing well planned, carefully considered strategies rather than being occupied with problem solving and crisis intervention; and,

WHEREAS, the Williamson County Board of Commissioners has retained Harry Hendon and Associates as consultants to do the planning and engineering in preparing a comprehensive county development plan with emphasis on determining the future water needs, available sources and best methods of distribution to ensure that adequate water is available to the citizens, businesses and industries of our County; and,

WHEREAS, said engineers have completed the water study and presented it for approval; and,

WHEREAS, the Planning Commission has reviewed the study and plan; and,

WHEREAS, the Planning Commission finds this plan to be both cost-effective and in line with the best planning principals (sic) expressed in its policy statements;

NOW, THEREFORE, BE IT RESOLVED, for the Williamson County Regional Planning Commission to adopt the Williamson County Water Plan portion of the County Development Plan, dated 5/6/81, prepared by Harry Hendon and Associates and promote the completion and fulfillment of this plan.

WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION

Mitchell Beard, Chairman

Ann Petersen, Secretary

COUNTY COMMISSION SPECIAL WATER
STUDY COMMITTEE REPORT
PRESENTED ON MAY 7, 1981
TO
WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION

The proposals of the County Commission Special Water Study Committee pertaining to:

1. consolidation or unification of the six (6) rural water districts, and
2. re-structuring of the Williamson County Water Treatment Authority

have been reviewed by the Williamson County Regional Planning Commission and are consistent with the adopted Water Study Portion of the County Development Plan.

WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION

Mitchell Beard, Chairman

Ann Petersen, Secretary

TEMPLE HILLS COUNTRY CLUB ESTATES
RESUME' OF PLANNING PROBLEMS
AS SEEN BY A NUMBER OF RESIDENTS

MAY 6, 1981

OPEN SPACE

Background

Since Temple Hills Country Club Estates was originally approved as an Open Space Residential Development, one of the key features that must be understood and monitored is the relationship of the open space to the residents of the development and to the community. In the initial presentation to the Planning Commission of this plat, 469 lots and a 260-acre golf course were shown with large portions left to be developed later. The accompanying covenants which were also approved by the Planning Commission and the Quarterly Court describe the open space as being of two types:

"Art. I

2. Common Area(s) shall mean and refer to any and all real property owned by the Association, or such other property to which the Association may hold legal title, whether in fee or for a term of years, for the prior and superior, but non-exclusive, use, benefit and enjoyment of the members of the Association subject to the provisions of this Declaration, together with those areas shown reserved for the golf course, tennis courts, club house, and supporting grounds and facilities located at or near the club house, including the swimming pool, title of which shall be vested in Temple Hills Country Club and the use of which shall be available on a membership basis."

Throughout the Covenants are numerous references to those common areas to be owned, used, and maintained by the residents. The whole legal framework follows the guidelines of the Open Space Ordinance of a development that intended to deed open space to the homeowners. Article IV, Section Four affirmed the basic purpose of an open space quoting the ordinance directly:

"Any provision to the contrary in these Restrictive Covenants or elsewhere notwithstanding, the Common Area shall not be used except for one or more of the following uses or purposes:

- (1) Recreational facilities, the primary purpose of which is to serve the residents of Temple Hills Country Club Estates.
- (2) Historic sites.
- (3) Parks and parkway areas.
- (4) Natural sites worthy of scenic preservation."

To understand how carefully the Planning Commission supervised the writing of these Covenants and how vital it considered open space for the residents, please read carefully the second page of the letter written June 7, 1973 to Mr. Berry concerning these matters. . . . Clearly, a private golf course alone would not have qualified Temple Hills as an open space community.

Subsequently, in 1977 these covenants were amended without the knowledge of all residents. These amendments clearly violated the basic concept of the open space residential development, but reflected the reality of the sale of the golf course. Recreational facilities serving the residents and the membership of Temple Hills Country Club was in reality serving only the membership of the club.

While it may have been wise not to transfer title of common areas to the homeowners until there was an established community, it was clearly Mr. Callicott's impression that "certain areas will be designated thereon as common areas or open space and then the golf club (country club property) is otherwise designated." Certainly by incorporating all the provisions for common areas owned by the homeowners in the covenants, the developers showed both the buyers and the Planning Commission the intent to transfer such title. To now develop all those undefined areas without consideration to the common areas calls into question the validity of this as an Open Space Residential Development.

On a practical level, lack of common areas has not been crucial to the first sections of this development. Most of the lots have been one-half-acre or greater. Even the condominiums have only 28 of the platted 38 built, and they will be only 60% as dense as those submitted by Hamilton Bank.

However, the need for common areas becomes acute if 55 and 65 families are clustered in 5-to-the-acre sections. Note one such cluster is bounded by a creek, the golf course, and Sneed road, while several others are surrounded by the golf course which is off limits to children and non-members. (See enclosed letter B). Mr. Ralph Killebrew indicated at a recent Homeowners meeting that the new plat will be used to provide multi-family units for young families who cannot afford a single family home. Such marketing makes the golf course a less viable open space, for its facilities are inappropriate and out of the price range of the people it is to serve.

A Suggestion

A possible solution to this impasse would be to include within each of the major clusters some recreational areas appropriate to the families served. The original platting concept for condominiums in Temple Hills included such an area and these units may well have been sold today if such a feature still existed. Some of the units have been vacant for over two years and 10 more have been platted since 1974.

Before any plat is approved by this planning commission, the whole issue of open space should be examined, for you are charged under the Ordinance with "seeing that it be satisfactory" as to "location", "size of each such area and the specific uses of each area." If Hamilton Bank hopes to benefit from the approval given the preliminary plat in 1973, it should at least meet the requirements of the Ordinance under which it was approved and fulfill the covenants which were also a part of that approval.

June 7, 1973

Mr. James I. Vance Berry
Attorney at Law
American Trust Building, 7th floor
Nashville, Tennessee 37201

Re: Temple Hills Country Club Estates

Dear Vance:

I have examined somewhat hurriedly the copy of Temple Hills Country Club Estates Restrictive Covenants which you delivered to me yesterday. We have discussed the matter briefly over the telephone.

As you know, I have been somewhat concerned that absolute safeguards be established for the preservation of open space permanently as required by the zoning regulations. This same question arose in my consideration of the Covenants, etc., submitted by John D. Whalley and Martin Zeitlin who are developing Cottonwood Estates also as a Cluster Development. Their covenants as originally submitted did not specifically provide what uses were permissible in the open space area nor were they in my opinion adequate for the purpose of insuring and guaranteeing that the open space would remain such permanently.

I drafted and submitted to them an open article to be inserted in their Covenants and also an Open Space Easement to be executed by the owners and to be recorded.

I enclose for your consideration a copy of these two instruments. I was assured by Mr. Zeitlin and by Mr. J. J. Foley, Jr., his attorney, that these documents were satisfactory and would be incorporated in their legal papers.

The four uses are taken word for word from the zoning regulations. While the zoning regulations do not specifically provide for any sort of structure on open space, it is my feeling that they do impliedly permit structures which are purely incidental to one or more of the uses permitted. Certain structures incidental to golf clubs, historic sites, parks, etc., are in many cases certainly desired if not absolutely necessary. In this connection, it should be mentioned that, at the time the open space easement is conveyed, title should be free and unencumbered (except for current taxes) or if there are liens on the property the lien holder should join in the easement or certainly execute a subordination agreement to be recorded.

I also call your attention to the fact that not only do the regulations provide that the primary purpose of recreational facilities is to serve the residents of the Cluster Development but further provides that plans for open spaces must be presented to and approved by the Planning Commission along with assurance that liability insurance will be in force, taxes paid and "the property otherwise maintained for the benefit of the residents of the Cluster Development or the public generally".

It would appear from the provisions above referred to that certainly the residents of the development should have first or prior rights to the use of all open spaces even though a part of that open space be used for a golf club, membership of which would include both lot owners and members of the public. Actually it could be argued that the requirement that the open space be maintained for the benefit of the residents of the Cluster Development or the public generally would prevent the use of a golf club on the open space such as is contemplated in this development because there would be selected members of the public admitted into the club whereas the public generally would not have use of the facilities.

The above considerations prompt me to suggest that there be some change made in Article I, Definitions, and in Article VIII, Temple Hills Country Club. While the common areas are to be used "for the non-exclusive use, benefit and enjoyment of the members of the association" and the property and facilities of the Country Club are to be used "for the non-exclusive use of lot holders and others" it does appear to me that the Planning Commission should insist certainly that lot holders be given prior

and superior rights to the use of the common area and to the right of membership in the country club.

There would still remain some question in my own mind as to whether the regulations do not contemplate that all the open space must be maintained either for the benefit of the residents of the Cluster Development or for the public generally or for both the residents and the public generally.

I further call your attention to the fact that, as I remember the preliminary plat which was last approved, certain areas will be designated thereon as common areas or open space and then the golf club (country club property) is otherwise designated, for the purpose of zoning regulations, all of the property except the lots shall constitute open space.

Vance, I also call your attention to Article IX, General Provisions, Section 2, Amendment. I feel that there must be some mistake in the choice of language used there, if I understand the real meaning of it. As it reads, the developer alone, so long as he owns one or more lots, can amend the Covenants and Restrictions but if he no longer owns one or more lots then two-thirds of the lot owners can perfect an amendment. I feel that you must have intended to state that so long as the developer owns one or more lots amendments may be made by agreement signed by the developer and by two-thirds of the owners of lots and then after the developer has sold all his lots amendment may be made by the signatures of two-thirds of the lot owners. If my understanding of what you intended is correct I believe the language needs refining.

With warm regards, I am

Yours very truly,
 Claude Callicott
 Secretary
 Williamson County Planning
 Commission

CC/jwh

TEMPLE HILLS HOMEOWNERS' ASSOCIATION

To: All Temple Hills Homeowners April 12, 1980

Mr. Roy Shainberg recently contacted me regarding a problem he was having on the golf course, namely that of children playing on the course. He explained that the children posed two problems, first and foremost the children are in danger of being seriously hurt by errant golf balls, and secondly they tend to disrupt orderly play by the golfers.

Roy further pointed out that he was somewhat "between a rock and a hard spot" because if he takes any stern or forceful action he runs the risk of being condemned as "un-neighborly", while if he were to take no action and a child were to be hurt, he might be accused of being negligent.

We must point out to our children the dangers of playing on the golf course and remind them that they should not play on the course. Your help and cooperation will be greatly appreciated by all.

/s/ Edward Ditomas
 Interim Chairman
 Temple Hills Homeowners'
 Association

cc: Mr. Roy Shainberg

February 12, 1973
 (Dictated February 10, 1973)

Mr. Lytle Brown
 Hart, Freeland & Roberts
 J. C. Bradford Building
 Nashville, Tennessee 37219

Re: Temple Hills County Club Estates

Dear Lytle:

At its meeting of February 1, 1973, the Williamson County Planning Commission approved the initial sketch plat of Temple Hills Country Club Estates which you have for development under the Cluster Zoning regulations.

Lytle, I realize that you are working under the direction of the property owners and developers and must, within reason, prepare your plats in accordance with their instructions. However, I do want you to know that I was extremely disappointed in the initial sketch which you presented on their behalf at the February 1 meeting. As you know, it was and is my feeling that the plat does not conform to the density provisions of the regulations. I could of course be in error in my interpretation of the provisions but, even if I am in error as to the interpretation, I still feel that the density is too great and that the Commission as a matter of policy should require that plat to be revised so as not to contain more units than would be permitted if the property were being developed under the regulations pertaining to conventional subdivisions. While I am still of the firm opinion as to the true intention and interpretation of the density provisions of the regulations,

even if I am in error, still the Commission has very broad and discretionary powers with respect to the regulations pertaining to Cluster developments and the Commission is not bound to approve a plat merely because it meets the minimum requirements of the law.

Furthermore, in my opinion the plat does not at all embody the true concept of Cluster Zoning. This plat shows several streets with long rows of narrow lots with no access whatsoever to open spaces. I have given considerable thought and study to the matter of Cluster Zoning and have seen various and sundry plats and photographs of such developments elsewhere and I am firmly convinced that we should have some such developments in Williamson County. To me it (is) highly important that we preserve many open spaces in the county and this method of development, properly used, will help to attain such objective. If, however, the Cluster Zoning regulations are simply used by the subdividers as a pretext or sham for reducing set-back lines and minimum lot sizes and widths of roads, without affording the lot owners and the community as a whole the benefits of true Cluster development, great and lasting harm can be done to our county. On the same night that your plat was presented another initial sketch was presented of a subdivision entitled Cottonwood Estates and a comparison of these two plats reveals a marked difference, that being in favor of the Cottonwood Estates plat. In that plat substantially all if not all of the lots provide access to open spaces and a development under that plat would in my opinion be attractive and unobjectionable.

It is my personal feeling that this plat should be sent back to you and the property owners for further study

before final approval. I also call your attention to the other provisions of the regulations, particularly those relating to open spaces and requiring that all suitable and proper measures be taken to guarantee the permanent preservation of said open spaces.

Assuring you of my warm personal regards, I am

Yours very truly,
Claude Callicott
Secretary
Williamson County Planning
Commission

CC/jwh

DENSITY

The Planning Commission has the responsibility to apply the relevant Zoning Ordinances to the new plat submitted for Temple Hills. The only legal question is whether the original or the current ordinances govern the undeveloped sections. Without the Open Space Residential Article, this development could never have been approved and it cannot be outside of its provisions. There is nothing in the law that indicates density can be calculated any way other than that outlined in the Ordinance, nor can any requirements with regard to density be waived.

Now the question is which Ordinance to apply to the land now owned by Hamilton Bank and any subsequent owner or developer. This land is listed and taxed as woodlands. While some of it was platted in the original preliminary plat as half-acre lots, much of it has never had a pattern of roads or lot lines approved, minimum requirements by definition of a plat. At no time have

more than 507 lots been given preliminary approval. This number is well within the provisions of both the old and new Ordinance. Under no provision of the law can the County Planner grant approval of lots by letter or his personal interpretation of a plat. Also, note that with the exception of the utilities to the sales office, no improvements have been made to this property since its original presentation as an idea in 1972.

While there has been much discussion of the notation at the top of the preliminary plat—

"Allowable dwelling units for total development 736"—this is merely a conversion of the total acreage to a 40,000 Sq. Ft. acre which was the standard used in 1973. It assumes a perfect 676 acres of buildable land which Temple Hills is not. It is also contradicted by such notations as:

"Parcels with note 'This parcel not to be developed until approval by the Planning Commission' not a part of this plat and not included in gross area."

"Actual dwelling units presented this sketch plan 469."

It is also interesting to note the new plat being presented ignores the specifications that were a part of the original approval:

"(2) All lots to have minimum frontage of 115 feet on a public road and to be approximately 18,000 square feet."

These specifications were presented to both the Planning Commission and to those of us who purchased lots as part of the plan for this development. We were also shown both the printed brochure (see enclosure) and the drawings

for all of the 469 lots in the original plat. All lots on St. Andrews, North Berwick, Prestwick, and Green Brier were single family dwellings on one-half-acre lots. Since property has been sold under these specifications and within this design, how can changes be made without the approval of all?

Unfortunately, neither the original Planning Commission nor the original developers wanted to deal with the question of density. Both avoided the difficult land areas and stayed well within the maximum number of units. They left the decision to your good judgment with the note:

"Not to be developed without Planning Commission approval."

In finding a solution to this complex issue, please apply the principles of good planning you would use in any development in Williamson County. Consider the health, the safety, and the welfare of the present and future residents of this development, its neighbors and the county as a whole. Consider these issues:

These clusters will be among the most densely populated spots in the county.

- (a) When the roads are deeded to the County, will the cluster unit exceed the 5-to-the-acre limitation in the Ordinance?
- (b) Is there adequate fire protection or could a small fire in the night become a tragedy for many families?
- (c) Will St. Andrews and Temple Road adequately handle the traffic of either construction or established population? If not, who will provide such roads?

- (d) If the average family in the clusters includes one child, is there adequate space for those children or is a major social problem being created?

There are a few legal issues you might also consider:

- (a) Please review the covenants to see the nature of the problem if there are two developers in Temple Hills Country Club Estates.
- (b) How do you determine that the undeveloped land of one developer is single family dwellings and that of the other is multi-family clusters?
- (c) Can you approve lots that are above the 25% grade? Have you anticipated the chaos if these lots are to be argued one-by-one and then moved to other sections of the plat?

What if such lots are sold to a new developer who buys them in good faith?

- (d) How can you reconsider a plat you have already found unacceptable for another developer?

Good development is vital to all of us in Williamson County. It can happen in Temple Hills Country Club Estates if it meets the standards outlined in the Ordinances and Regulations in the county and those established in the original presentation of this development. A good developer would want to meet the present standards if he is to have a competitive product. Poor enforcement of the standard leads to endless debates about waivers, precedents, and exceptions to the rules. The time, energy, and resources of all could be better spent in building a good community.

(MAP OMITTED)

DEFENDANT'S EXHIBIT 109

10. *Common Space*—At least twenty percent (20%) of the total acreage of a mobile home park shall be allotted to common space, which shall be for the general use of residents of the mobile home park. Such common space may be used for central service buildings, playgrounds, swimming pools, recreation areas, community buildings or any combination thereof.

ARTICLE XI

OPEN SPACE RESIDENTIAL DEVELOPMENTS

1. *Purpose*—The purpose of this provision is to allow the grouping of housing units within a development and incorporate permanent open space into such developments. The basic concept is that housing units may be grouped in clusters, rather than being evenly spaced on uniform sized lots throughout the development, thereby allowing greater creativity, flexibility and economy in residential development, at the same time achieving the scenic quality of open space.
2. *Preliminary Site Plan*—A preliminary site at a scale of 1 inch to 100 feet plan must be submitted to the Williamson County Regional Planning Commission. The preliminary site plan shall provide the following information:
 - a. Boundaries and acreage to the site
 - b. Number of dwelling units and their basic designs
 - c. Arrangement of streets, structures and lots
 - d. Access to existing streets
 - e. Open space tracts and proposed uses

- f. Any commercial service area
 - g. Location and size of water and sewer lines
 - h. Location of fire hydrants.
3. *Procedure for Approval*—The following procedure shall be followed in obtaining approval of an Open Space Residential Development:
- a. A preliminary site plan and supporting data shall be submitted to the Williamson County Regional Planning Commission. The Planning Commission may require such other data, including market analyses, financial reports, and traffic studies, as it shall deem advisable.
 - b. The Williamson County Regional Planning Commission shall review the preliminary site plan and supporting data and approve or disapprove the plan.
4. *Character of Development*—A proposed Open Space Residential Development should create an attractive residential environment and enhance the economic stability of the community in which the development is located and the county generally. Such a development should be compatible with the overall land use of the area. A developer must present to the Planning Commission such information as it may require to determine that a proposed development will in fact be attractive, enhance the economic stability and be compatible to other developments in the area. If the Planning Commission should determine that a proposed development would not be attractive, enhance the economic stability of the area or be compatible to other developments in the area, it may decline to approve such a proposed development.

5. *Density*—The density of an open space residential development shall be no greater than the density allowed under the zoning classification as set forth in the Zoning Resolution applicable to the area being developed. In no event shall such density be more than one (1) dwelling unit per acre. In computing the permitted density in a development, the gross acres in the tract of land to be developed shall first be reduced by ten percent (10%) to allow for streets and utilities. The remaining land area shall be further reduced by fifty percent (50%) of the land lying in the flood plane and still further reduced by fifty percent (50%) of the land lying on a slope with a grade in excess of twenty-five percent (25%).
6. *Maximum Units*—In no event shall there be more than five (5) living units built upon any acre of buildable land.
7. *Buildable Land*—Living units shall be built only upon buildable land. Buildable land includes all land except:
 - a. Land lying within a flood plain as shown on an official flood study.
 - b. Land lying on steep hillsides with a grade in excess of twenty-five percent (25%).
 - c. Land with severe soil limitations.
 - d. Land which is, in the opinion of the Williamson County Planning Commission, considered to be undevelopable.

Non-buildable land shall be allocated to and included in open space.
8. *Permitted Uses*—Within an open space residential development, on the buildable land there may be built:

- a. Single and two-family dwellings.
- b. Multiple family housing units.
- c. Commercial facilities, the primary purpose of which is to serve the residents of the open space residential development.

Open Space may be used for the following purposes:

- a. Recreational facilities, the primary purpose of which is to serve the residents of the open space residential development.
- b. Historic sites.
- c. Parks and parkway areas.
- d. Natural sites worthy of scenic preservation.

Further, areas of rough terrain or low land in the flood plain which are deemed to be unfit for development by the Planning Commission must be allocated to open space.

9. *Development Requirements*—A minimum number of housing units per Open Space Residential Development shall be fifty (50). Each such development shall be served by both public water and by a modern sewer system approved by the Health Department of the State of Tennessee, the Health Department of Williamson County, Tennessee, and by the Planning Commission. With the approval of the Williamson County Planning Commission and the Williamson County Highway Commission, public roads in an open space residential development may vary from those specifications contained in the Williamson County Subdivision Regulations. Such approval shall be in writing and noted on the final plat. It is the intent of this paragraph to permit streets and street patterns to be

compatible with the topographical conditions of the area and the overall design of the Open Space Residential development. All streets must be public except those providing direct access to apartments and condominiums.

- 10. *Setback Lines*—The minimum setback lines provided by the general zoning regulations for the zone in which such Open Space Residential Development is authorized shall apply to all existing roads and all exterior property lines. All remaining setback lines are to be as required or as approved by the Planning Commission.
- 11. *Open Space*—Open space in an Open Space Residential Development may be retained by the developer, or deeded to a homeowner's association or other organization approved by the Planning Commission. Regardless of whether open space is retained by the developer or deeded to a home owners association or other organization, plans for improvement and maintenance of open space must be presented to and approved by the Planning Commission along with assurance that liability insurance will be in force, taxes paid, and the property otherwise maintained for the benefit of the residents of the Open Space Residential Development and the public generally. Further, the developer must present assurance to the Planning Commission that the land shall be used permanently as open space and that there will be no subdivision of said open space.

If open space is to be deeded to a homeowners association, the developer shall present to the Planning

Commission the legal framework of the homeowners association, including articles of incorporation and by-laws. Further, if open space is to be deeded to a homeowners association, the developer shall include in the deeds to individual lots mandatory membership in the homeowners association.

The areas set aside or allotted to open spaces must, as a condition precedent to approval, be satisfactory to the Planning Commission as to location, size of each such area and the specific uses for each such area. Distances between buildings shall be as required by the Planning Commission.

12. *Application*—This provision shall apply to all zones in which residential uses are permitted as designated and defined by this Zoning Resolution. Provided, however, every open space residential development shall be approved by the Williamson County Quarterly Court.

ARTICLE XII

AUTOMOBILE STORAGE

1. *Purpose*—The purpose of this section of the Zoning Resolution of Williamson County is to insure that every lot in Williamson County provides adequate parking for the use being carried on the lot.
2. *Minimum Standards*—Automobile storage facilities shall be provided on all lots in Williamson County. The parking area shall be in accordance with the following minimum standards:
 - a. *Amusement Places*—One (1) parking space for each employee, plus one (1) parking space for each three (3) patron seats.

- b. *Apartments*—Two (2) parking spaces for each dwelling unit.
 - c. *Churches*—One (1) parking space for every five (5) seats.
 - d. *Dining Places*—One (1) parking space for each employee, plus one (1) parking space for each two (2) patron seats.
 - e. *Dwelling*—Two (2) parking spaces for each dwelling unit.
 - f. *Funeral Home*—One (1) parking space for each five (5) seats, or, in case of no fixed seats, one (1) parking space for every fifty (50) square feet of chapel space.
 - g. *Hospitals*—One parking space for each four (4) beds, plus one (1) parking space for each doctor and one (1) parking space for each nurse and other employee.
 - h. *Hotels and Motels*—One (1) parking space for each room, plus one (1) parking space for every two (2) employees.
-